

**MINUTES OF THE MEETING OF  
EAST LoTHIAN COUNCIL**

**TUESDAY 27 AUGUST 2024  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON  
AND VIA HYBRID MEETING FACILITY**

**1**

---

**Committee Members Present:**

Provost J McMillan (Convener)  
Councillor S Akhtar  
Councillor E Allan  
Councillor R Bennett  
Councillor L Bruce  
Councillor C Cassini  
Councillor D Collins  
Councillor F Dugdale  
Councillor J Findlay

Councillor A Forrest  
Councillor N Hampshire  
Councillor L Jardine  
Councillor C McFarlane  
Councillor G McGuire  
Councillor S McIntosh  
Councillor K McLeod  
Councillor L-A Menzies  
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 F Wilson, Director of Health and Social Care  
Ms L Byrne, Head of Children's Services  
Ms E Dunnet, Head of Finance  
Ms N McDowell, Head of Education  
Ms W McGuire, Head of Housing  
Mr R Montgomery, Head of Development  
Mr T Reid, Head of Infrastructure  
Ms C Rodgers, Head of Communities  
Ms E Barclay, Democratic Services Assistant  
Ms M Cockburn, Transformation and Digital Portfolio Manager  
Mr S Cooper, Team Manager – Communications  
Mr R Edgar, Team Manager – Policy & Strategy (Planning)  
Ms A-M Glancy, Service Manager – Corporate Accounting  
Mr C Grilli, Service Manager – Governance  
Ms J Hargreaves, Team Manager – Countryside  
Mr D Henderson, Service Manager – Service Accounting  
Ms L Higginson, Community Planning Officer  
Mr E John, Service Manager – Sport, Countryside and Leisure  
Ms L Kerr, General Manager – Planning and Performance (Adult Wellbeing)  
Ms J Lothian, Strategy, Policy and Development Manager (Amenity Services)  
Ms J Newcombe, Biodiversity Officer

**Visitors Present:**

None

**Clerk:**

Mrs L Gillingwater

**Apologies:**

Councillor N Gilbert

Councillor C McGinn

Councillor B Ritchie

Councillor T Trotter

**Declarations of Interest:**

None

The Provost advised that the meeting was being held as a hybrid meeting, 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 six months from the date of the meeting.

The clerk recorded the attendance of Members by roll call.

**1. MINUTES FOR APPROVAL**

The minutes of the following meeting were approved: East Lothian Council, 25 June 2024.

**2. DRAFT ANNUAL ACCOUNTS 2023-24**

A report was submitted by the Executive Director for Council Resources providing an update on the draft unaudited accounts for the year ending 31 March 2024, which must be formally scrutinised by the Members by 31 August 2024.

The Service Manager – Corporate Accounting, Ann-Marie Glancy, presented the report, confirming that the draft annual accounts had been submitted to External Audit before 30 June and had been published in the Members' Library. It was anticipated that the audit would be concluded by November 2024, and she advised that any material changes would be reported back to Members.

Councillor Hampshire thanked Ms Glancy and her team for their work in producing the accounts within the required timeframe.

**Decision**

The Council agreed:

- i. to note that the draft accounts for the Council and its wider group, and the Dr Bruce Trust, had been submitted to External Audit prior to the statutory deadline of 30 June 2024; and

- ii. to note that the accounts remain in draft pending the finalisation of the statutory audit, expected to be completed by November 2024.

### **3. QUARTER 1 FINANCIAL REVIEW 2024/25**

A report was submitted by the Executive Director for Council Resources providing an update on the in-year financial position at the end of June 2024.

The Service Manager – Service Accounting, David Henderson, presented the report. He set out the significant financial challenges facing the Council, which were mainly attributed to increasing demand on services and rising costs. He drew attention to the key aspects of the report, including the overspend at the end of Quarter 1 (outlined in Section 3.8 of the report); the projected overspends for the Integration Joint Board, Children’s Services and Community Housing (Section 3.14); the delivery of efficiency savings and ongoing mitigation measures (Sections 3.18-3.21); the risk as regards the 2024/25 pay settlement (Section 3.17); the position with the Capital Programme (Sections 3.34-3.42) and the Housing Revenue Account (Sections 3.50-3.54). He made mention of additional funding received since the Council set the budget in February 2024, including Scottish Government funding, a VAT rebate, and additional council tax income, which would partially offset the financial pressures. However, he warned that the scale of the challenge facing the Council should not be underestimated.

Councillor McIntosh asked questions in relation to nature restoration and flood protection funding and the ability achieve efficiency savings. On the nature restoration funding, Mr Henderson explained that £59k had been carried forward and this would not be impacted by the recent announcement by the Scottish Government, but he did not currently know the position with the funding yet to be allocated. On the Flood Protection Scheme, he confirmed that the Council had made it clear to the Scottish Government that the Council could not deliver the Scheme within its budget should the government funding be reduced. Mr Henderson advised that the underspend in staffing was contributing to the delivery of efficiency savings, and that staff turnover was similar to previous years. He reiterated the risk associated with a higher-than-expected pay award.

In response to questions from Councillor McLeod, Mr Henderson noted that the Council had been seeking to recover VAT monies for some years, predating the establishment of EnjoyLeisure; this one-off funding would be used to mitigate in-year financial pressures. On the £187k saving relating to sports facilities, he advised that the Council was working with sports clubs to manage these savings and was confident that they would be achieved over time. As regards voids, he reported that efforts were ongoing to improve the turnaround time, including enhanced contract management, staff working overtime to overcome backlogs, and a new performance management framework being put in place.

Councillor Bruce asked about the Council’s ability to maintain teacher numbers. Mr Henderson indicated that the position would not be known until the completion of the census in mid-September, and that there was as yet no agreement between the Scottish Government and CoSLA on the distribution of that funding.

Councillor Jardine raised a number of questions on the Health and Social Care Partnership (non-IJB) budget and efficiency savings. Mr Henderson explained that, as regards the non-IJB expenditure, this expense related to the housing support contracts. Discussions to review those contracts were due to take place, and that some of that funding would be allocated to Midlothian Council and third sector organisations. On efficiency savings, he believed that savings included in the budget were deliverable, but there were timing issues with some of them that may result in a delay in them being fully realised.

Mr Henderson confirmed that there was a direct correlation between population growth and the demand for Council services, especially services for children and older people. This had an impact on both capital and revenue budgets.

Councillor Akhtar sought an update on the potential impact of the pay award on the Council, and also on the IJB overspend. Mr Henderson advised that the most recent pay offer would require the Council to increase funding from 3% to 3.2%, which would cost c.£400,000. Although the Scottish Government had committed to support the pay award, it was not clear what the Council's allocation would be. As regards the IJB overspend, he noted that the main reason was increased demand on services; the IJB Financial Overview Group would continue to look at options to reduce this overspend.

Councillor Hampshire assured Members that officers were doing everything they could to work within their budget, but inflationary and demand pressures meant that that hadn't been possible in some areas, such as the IJB. He also mentioned that without additional funding, the Council's house-building programme would slow down. However, he was confident that staff would continue to look for ways to reduce costs and manage services as efficiently as possible.

Councillor Akhtar highlighted the population growth projections for the next ten years, noting that the Council currently received one of the lowest funding settlements despite this growth and an increasing aging population. She warned that demand for social care would continue to increase, and that it was important that the public was aware of the challenges facing the Council.

## **Decision**

The Council agreed:

- i. to note the outcome of the Quarter 1 finance performance against approved budget and the underlying financial pressures faced by the Council;
- ii. to note the additional funding received from the Scottish Government to meet specific policy initiatives;
- iii. to note the range of ongoing intervention measures approved by Council;
- iv. to note that financial review reports would continue to be reported to Council for scrutiny until the financial position improves;
- v. to note the update on the wider financial environment and current risks; and
- vi. to note the update on the Capital budget and Prudential and Treasury indicators.

## **4. BUDGET DEVELOPMENT 2025-26 ONWARDS**

A report was submitted by the Executive Director for Council Resources setting the context for developing the five-year budget plan for 2025-26 onwards; providing the updated budget projections and a revised funding gap, and to highlight the key assumptions and risks within these; and outlining the process and next steps for setting the financial strategy and budgets for 2025-26 onwards.

The Head of Finance, Ellie Dunnet, presented the report, drawing Members' attention to the revised budget projections for the next five for General Services, Capital and the Housing

Revenue Account. She also provided a summary of scenario planning that had been carried out and set out the proposed steps for the forthcoming budget development process.

In response to questions from Councillor Jardine, Ms Dunnet advised that in setting the budget for social care, the Council would need to consider demographic changes, pay pressures, capacity and historical overspends. She noted that longer-term planning was key, in order to allow managers to reshape services and close the budget gap.

Councillor Bruce asked how the Members should approach scenario planning. Ms Dunnet explained that various assumptions had been made and that the plans took account of the most likely scenario; however, she cautioned that there may be factors which had not been considered or things may arise that had not been accounted for. To close the budget gap for the next financial year alone, she considered that a council tax increase of c. 17.2% would be required.

In response to questions from Councillors Cassini and Menzies regarding the budget development process, Ms Dunnet indicated that financial updates would continue to be reported to Council. In addition, the cross-party budget working group would continue to meet, and she expected that those attending those meetings would report back to their political groups. Officers would also meet with all political groups to support participation in the budget-setting process. With reference to the holistic approach to budget development, this would take account of the wider and longer-term impacts of decisions, and a more joined-up and collaborative approach to decision-making.

Councillor Hampshire warned that the financial situation was not sustainable without additional funding, and that there would be difficult decisions for the Council to make when setting the budget. He welcomed the opportunity to continue cross-party working in order to deliver the best budget for East Lothian.

The Provost commented on the need for the Council to be radical in its thinking, and promoted collaborative working within the political groups.

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

## **Decision**

The Council agreed:

- i. to note the financial outlook, and revised budget projections and key assumptions for financial planning for 2025-26 onwards, as set out within the report;
- ii. to note the significant risks which the Council continues to face to financial sustainability and setting a balanced budget; and
- iii. to approve the next steps to developing the budget and financial strategy for 2025-26 onwards.

## **5. RATE INCREASE FOR CROOKSTON CARE HOME**

A report was submitted by the Director of Health and Social Care advising Members of the new standard rate for self-funded residents within the East Lothian Health and Social Care Partnership's Crookston Care Home.

The General Manager for Planning and Performance (Adult Wellbeing), Laura Kerr, presented the report. She explained that, with the Abbey Care Home and Belhaven Nursing Home now closed, Crookston Care Home was now the only local authority-run care home in East Lothian, and it was necessary to bring the charging for that facility into line with legislation and Scottish Government guidance. This would result in a 39% increase in fees for the current year for those residents who are self-funded, which would bring the fees into line with other care homes in East Lothian and in neighbouring authorities. She noted that self-funding residents were subject to a financial assessment and would also receive a contribution towards the free personal care element of their fees.

Responding to questions from Councillor Bruce, Ms Kerr confirmed that the costs would be applied to all affected residents from 30 September 2024. She accepted that, to a certain extent, the Council had not been acting in compliance with the legislation by not increasing fees to meet the cost of providing the service.

Councillor Dugdale questioned the notice period for the implementation of the new charges. Ms Kerr advised that the standard notice period was 30 days. She did not anticipate any issues but noted that a review of financial assessments of those affected would be carried out to check if residents were entitled to additional support. She did not foresee costs decreasing in the future, but if that did happen the savings would be passed on to the residents.

Councillor McLeod asked if Crookston Care Home still had respite beds available. Ms Kerr confirmed that there was no longer capacity within the home for respite beds but that these were being provided within other care homes.

Councillor Menzies asked for clarification on the savings/assets thresholds and the free personal/nursing care element. Ms Kerr explained that a resident with less than £35k in savings/assets would still be subject to a financial assessment but would not have to pay the full fee; for those residents liable to pay the full fee of £1,557, the personal care element would be subtracted from that fee.

In response to questions from Councillor Collins, Ms Kerr advised that there were currently 741 beds in East Lothian, with residents paying variable amounts, as determined by the financial assessment process.

Carlo Grilli, Service Manager for Governance, made reference to the legislation and guidance on charging, which stipulated that the Council had to implement full cost recovery, and that it was not possible to phase in the increased costs.

Councillors McLeod and Akhtar paid tribute to the staff at the Crookston Care Home. Councillor Akhtar added that it was regrettable that the Council was not in a position to implement the charges on a phased basis. She urged officers to ensure that financial assessment advice was available to all those residents affected by the new charge.

## **Decision**

The Council agreed:

- i. to note the increase in charges for Crookston Care Home to £1,557 per week in order to comply with requirements Section 22 of The National Assistance Act 1948 and the Charging for Residential Accommodation Guidelines (CRAG), as issued by the Scottish Government;
- ii. to note that the new charges would apply to existing and new residents from 30 September 2024, and that this would only impact payments from self-funded residents; and

- iii. to note that The Abbey Care Home in North Berwick and Belhaven Nursing Home in Dunbar no longer had any residents and had now closed.

## **6. LOCAL DEVELOPMENT PLAN 2: EVIDENCE REPORT**

A report was submitted by the Executive Director for Place seeking approval of the Local Development Plan (LDP) Evidence Report.

The Head of Development, Ray Montgomery, presented the report, pointing out that the Council had seen one of the highest levels of housebuilding and population growth in Scotland. He stressed the impact this had had on the Council's finances, in terms of revenue funding, and noted that developer contributions did not meet the full cost of infrastructure delivery. In addition, the Council receives the third lowest financial settlement in Scotland. He advised that officers would be setting out these challenges to the Scottish Government and would push for a fairer financial settlement.

Robin Edgar, Team Manager for Policy and Strategy (Planning), advised that this report was the first substantive stage in the LDP2 process. He made reference to supporting documents and to engagement with local groups, children and young people, and key agencies. He pointed out the requirement to manage development pressures as well as meeting climate and nature challenges. On the Local Housing Land Requirement (LHLR), he advised that the minimum requirement had been set at 6,500 for East Lothian. However, in accordance with national planning guidance, there would be an expectation that local authorities would progress with a higher allocation, and he therefore proposed that the figure of 6,600 is progressed for East Lothian. He noted that 5,000 homes from LDP1 could contribute to this figure, leaving a shortfall of 1,600. Mr Edgar set out the next steps in the process.

Councillor McLeod asked about the Gatecheck timescales and the need for more affordable housing. Mr Edgar advised that the Gatecheck process would take c.1-3 months to conclude. On affordable housing, he noted that the Housing Service had identified locations and range of house types, and that regarding private housing, for new sites development briefs would include a range of house types with the aim of getting a better mix of housing.

In response to questions from Councillor Findlay, Mr Edgar advised that at least eight Local Place Plans (LPPs) had been produced or were in progress; these had been produced by community groups, with assistance from officers. On sites for future development, the deadline for submissions is 6 September – Mr Edgar expected to receive a strong response.

On energy, Councillor Jardine commented that the report did not reflect the number of jobs that would be required during the decommissioning process at Torness, and asked if this could be reconsidered. Mr Edgar indicated that there was no process for decommissioning in place as yet, and flexibility would be required on this issue. He added that a lot of energy-related developments would be coming forward.

With reference to the Scottish Governments 'Housing to 2040' vision, Councillor Menzies asked about the provision of housing for social rent. Mr Edgar reported that work to develop a new Local Housing Strategy was underway, which would include increasing affordable housing in various locations – this would be reflected in LDP2.

Responding to a number of questions from Councillor Bruce, Mr Edgar advised that the figure of 6,600 houses had been reached through the Housing Needs and Demand Assessment (HNDA) process, and that a robust methodology had been used. He was unable to confirm if this figure would be accepted by the Scottish Government. On infrastructure, Mr Edgar noted that this was a key theme, and that making best use of existing infrastructure and reducing

car use would be promoted. He stressed the importance of progressing LDP2, and this would include infrastructure requirements, but input from Scottish Government, Transport Scotland and other agencies would be required. Mr Edgar assured Members that the Council would push for an 'infrastructure first' approach, but he cautioned that the Council did not have powers at the national level.

Councillor McIntosh asked if the Council could challenge the figure for house numbers set within the Minimum All Tenure Housing Land Requirement (MATLHR), noting that it was 40% higher than the figure reached through the HND process. Mr Edgar provided an explanation as to what was required in order to comply with NPF4 and other guidance. He noted that the Lothian authorities were in a unique position due to the amount of growth in those areas. On car journeys, he advised that this would be monitored, but he felt that a 20% reduction was a very challenging target. He recognised the need to provide people with transport options. He further advised that the Scottish Government would have until 2026 to introduce an infrastructure levy, and that this would need to align with the Section 75 process; he suggested that the Council was likely to progress with the assumption that the levy would be introduced, pending the outcome of the consultation on that matter.

Councillor Akhtar voiced her concerns about the cost to the Council of population growth and about the delivery of infrastructure, particularly around health provision. Mr Edgar assured her that these aspects were highlighted in the Evidence Report, and that they could also be included in the covering letter to the Reporter. He noted that the Council was working with colleagues in Health regarding the impact of growth on particular services, noting the need to plan for further growth and secure the required funding.

Councillor Dugdale suggested that there was a need for more adaptable housing units in order to allow people to remain within their communities. Mr Edgar spoke of the desire to allow people to remain in their own homes, and that adaptable and accessible housing would be looked at as part of LDP2. He accepted that broadband coverage in some areas was challenging, but that this should be a requirement in new homes.

Welcoming the report, particularly the holistic approach to the new LDP, the Provost stressed the importance of aspects such as 'community', 'place' and 'neighbourhood', as well as growing the economy.

Councillor Hampshire spoke of the scale of the task required to deliver the 2018 LDP. He noted that 5,000 of the homes allocated in the 2018 LDP were still to be delivered, and they would be included within LDP2. He expressed concern about the delivery of infrastructure and of the need for growth funding to be provided going forward. He noted that a minimum of 6,500 houses would be required in LDP2, which would put pressure on existing infrastructure, such as the road network, rail network, and schools. He also noted the need to identify areas for energy generation; his view was that a new nuclear facility to replace Torness was required. He called for the Council to challenge claims made by Homes for Scotland that 9,000 homes would be required in East Lothian.

Speaking in support of the points made by Councillor Hampshire, Councillor Bruce voiced his concern about the delivery of the required infrastructure at both a regional and national level, particularly the need to increase capacity on the East Coast Main Line. He suggested that the creation of regional mayors should be considered, as the case in England, as a link between local and national issues.

Councillor Jardine welcomed the report and supporting information, and also the community involvement in Local Place Plans (LPPs). She hoped that all areas would be supported to produce LPPs. With reference to the Homes for Scotland report, she believed that decisions should be taken on evidence gathered rather than outside influence and lobbying. Regarding

LDP1, and especially assumptions made about infrastructure, she hoped that such assumptions would not be made when developing LDP2.

Councillor Akhtar suggested that a cross-party letter in support of the officers' submission should be sent to the Scottish Government. Councillor Hampshire indicated that he would be willing to write to the First Minister and UK Chancellor seeking support to deliver the growth required for LDP2.

Councillor McIntosh commended the report and supporting information, and she was supportive of the suggestion to write a cross-part letter; however, she was opposed to the Council having to deliver more than 6,500 homes. She was also concerned about the delays in bringing forward the Local Heat and Energy Efficiency Strategy (LHEES). She spoke of the opportunities for introducing district heat networks and hoped that this aspect could be incorporated into LDP2 as it moves forward. She was against a new nuclear energy facility, as it was expensive and would not alleviate fuel poverty.

Councillor Dugdale welcomed the involvement of children and young people in the process to date.

Councillor Menzies was of the view that the development planning process needed to be reformed, highlighting the need to provide more social rented housing, which would reduce reliance on temporary accommodation and help alleviate health problems and poverty.

The Service Manager for Governance, Carlo Grilli, set out the proposed wording for an additional recommendation: 'that the Leader of the Council, in consultation with Group Leaders, issues a letter to the UK Government and Scottish Government, accompanying the Evidence Report, setting out the requirement to provide additional financial resources (revenue and capital) to support and enable the delivery of LDP2'.

Councillor Hampshire proposed the additional recommendation, seconded by Councillor Akhtar.

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

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

## **Decision**

The Council agreed:

- i. to approve the Evidence Report, available at the following link: <https://arcg.is/1nPDub0>, and associated documentation, available at the following link: [Evidence Report | East Lothian Council](#);
- ii. to delegate responsibility to the Chief Planning Officer to make final changes, of a non-material nature, to the Evidence Report and associated documents;
- iii. that the Evidence Report be subsequently submitted to the Scottish Government's Department of Planning and Environmental Appeals (DPEA) for the Gatecheck process; and
- iv. that the Leader of the Council, in consultation with Group Leaders, issues a letter to the UK Government and Scottish Government, accompanying the Evidence Report, setting out the requirement to provide additional financial resources (revenue and capital) to support and enable the delivery of LDP2.

## **7. EAST Lothian POVERTY PLAN 2024-28**

A report was submitted by the Executive Director of Place seeking approval of the East Lothian Partnership's Poverty Plan 2024-28.

The Policy Officer for Equalities and Tackling Poverty, Lucy Higginson, presented the report. She reported that one in five children in East Lothian are living in relative poverty, and that there had been a 99% increase in foodbank use since the publication of the last Poverty Plan. She set out the key objectives of the Poverty Plan, as well as improvements to the Partnership's approach to achieving these outcomes (set out in Section 3.5 of the report). Members were provided with an update on progress made regarding the 2021-23 Poverty Plan, with 12% of actions being completed and 82% in progress. An action plan relating to the new Poverty Plan would be prepared and shared with Members in due course.

Responding to a question from Councillor Collins on face-to-face advice services, Ms Higginson advised that action was being taken to create more 'one-stop shops' and local community hubs where people could get advice, and additional staff training would be provided to support those accessing these services.

Councillor Bruce questioned why only 12% of actions from the previous Poverty Plan had been completed. Ms Higginson indicated that the main reason for this was that many of the actions required a longer-term solution, e.g. additional housing, attracting employment to East Lothian. In addition, the previous Plan had been more short-term in nature due to the impact of the COVID-19 pandemic. She was unable to advise on the impact of the winter fuel allowance cut yet, but assured Councillor Bruce that officers in Revenues and Communications were looking at ways to promote the uptake of pension credit.

On a question from Councillor Forrest on the under-claiming of benefits, Ms Higginson advised that this applied to all age groups, and that the changes to the benefits system had caused a lag in people claiming what they are entitled to; stigma was also a factor.

Councillor Jardine asked about the involvement of Area Partnerships, and about the scope for targeting partnership funding to areas where poverty levels are higher. Ms Higginson stressed that Area Partnerships would play an important role in the delivery of the Poverty Plan, and that they would be able to access external funding for this purpose. She referred to the ongoing review of the East Lothian Plan, noting that it was possible that funding could be targeted.

As regards pension credit entitlement, Councillor Cassini asked if there was assistance available for people who may have difficulty in completing the application form. Ms Higginson accepted that the benefits system was not always easy to navigate and that further training for Partnership staff would be provided so that they could assist applicants.

Councillor Hampshire commented that the cost-of-living crisis had contributed to the increase in poverty in East Lothian, and he asked what more the Council could do regarding promoting healthy living and providing practical advice on keeping costs down. Ms Higginson highlighted documentation produced by a number of Council services to help people, and that advice was also available on reducing energy costs. In addition, the Working for Change Collective and the East Lothian Foodbank were looking at establishing cooking clubs to help people prepare healthier meals, and cooking lessons could also be provided in schools and at youth clubs.

Responding to questions from Councillor Menzies as regards health inequality, Ms Higginson advised of ongoing efforts to end the need for foodbanks, including joint working with the Citizens' Advice Bureau. Wendy McGuire, Head of Housing, added that the Council's Housing Options Team were working with the Homelessness Team, adopting a preventative approach and ensuring that referrals were made, for example to the foodbank and health services. Ms

Higginson also noted that gender budgeting would be considered, and that work was underway to ensure that the Council is a living wage employer.

Councillor McIntosh pointed out that the cost of childcare was a barrier to many women working and asked what could be done to assist. Ms Higginson agreed that the cost of childcare had an impact on people's finances, and that she would consider if there was anything the Partnership could do in this regard. Nicola McDowell, Head of Education, explained that the Council worked with families to ensure that they were able to access childcare provision and provided advice on income maximisation. She noted that there had been a decrease in the number of childminders in East Lothian, and that officers would be prepared to look at ways to increase that provision.

Councillor Dugdale asked if the Council was doing enough to support people with mental health problems, especially as regards accessing training and employment. Ms Higginson advised that East Lothian Works provided such support, and also helped people to access volunteering roles and community-based activities.

In response to a question from Councillor Bennett on supporting people to develop skills and access high quality jobs, Ms Higginson highlighted the importance of community wealth building and the creation of a strong local economy which works for local people. There would also be a focus on employers paying the living wage and working with businesses to create good jobs.

Opening the debate, Councillor Yorkston noted that Preston, Seton and Gosford ward had the lowest income level in the county, and that up to half of its residents travelled outwith East Lothian for work. He observed that there was a clear need for more employment to be created locally. He hoped that the redevelopment of the former Cockenzie Power Station site and the ongoing work at Blindwells and Queen Margaret University would help tackle this issue and create employment opportunities for local residents. Councillor Yorkston also spoke of the impact of poverty on people's lives and urged the Council to do all it could to alleviate this impact.

Councillor Forrest stressed the importance of partnership working within communities to help those living in poverty. His comments were supported by Councillor Jardine, who added that the Poverty Plan had to be viewed in the context of inequality and austerity. In particular, she highlighted in-work poverty and inequalities associated with certain roles, for example caring roles. She also suggested that the Council should take a bolder approach to heating and the need the progress the Local Heat and Energy Efficiency Strategy.

Welcoming the Poverty Plan, Councillor Dugdale spoke of the long-term impact of poverty on people's health and lives. She noted that it was important to understand poverty and its impacts and to have measures in place to help people living in poverty. She urged the Council's partners to do likewise.

Councillor Menzies stated that poverty should not be accepted. She believed that the level of welfare funding in the UK was inadequate and did not provide people with enough to live on, making reference to the increased foodbank use. She suggested that that this issue required to be tackled at a national level. She also noted the need to tackle homelessness and inequalities in accessing services.

Concluding the debate, Councillor Akhtar pointed out that tackling poverty had been a priority for the Council for many years. She welcomed the Poverty Plan, but reiterated the need for a partnership approach to this issue. She noted that raising attainment in education was a key aspect of reducing poverty, as well as ensuring that all children and young people had access to initiatives such as Active Schools.

A number of Members paid tribute to Sean Crawford, co-founder of the Working for Change Collective, who had died recently.

The Provost moved to the roll call vote on the recommendation, which was approved unanimously.

## **Decision**

The Council agreed to approve the East Lothian Poverty Plan 2024-28, including the outcomes and actions contained within the Plan.

## **8. EAST LOTHIAN COUNCIL TRANSFORMATION STRATEGY 2024-29**

A report was submitted by the Executive Director for Council Resources seeking approval of the East Lothian Council Transformation Strategy 2024-29.

The Transformation and Digital Portfolio Manager, Michelle Cockburn, presented the report, advising that the proposed Strategy was aligned to the Council's priorities, and that performance would be reported to the Transformation Portfolio Board. The Strategy would be updated on an annual basis and reported to Cabinet.

In response to question from Councillors Findlay and Bruce on financial targets/returns, Ms Cockburn explained that financial and other benefits would be developed as part of the business case for each project. She noted that some savings had already been reported through the regular finance reports (for example the asset review), and that others would come forward as part of future finance reports. As regards an acceptable rate of return, Ms Cockburn advised that this would be considered on an individual basis, but that there was no minimum rate of return, as not all projects would be driven from a purely financial perspective. Ellie Dunnet, Head of Finance, added that it would not be advantageous to set a minimum rate of return as this could preclude the Council from accessing wider benefits. The Provost commented that transformation was not just about delivering financial savings, but was also concerned with benefits to the community and customers.

On carbon budgeting, Ms Cockburn advised that she was working with the Council's Climate Change Officer to look at ways of achieving this over the five years of the Strategy. On carbon literacy training, she advised that all Members would be encouraged to participate in the training course.

Councillor Menzies asked about the success of the previous Transformation Programme. Ms Cockburn informed Members that the operating environment had changed since 2016 due to the financial situation. Improvements had been made to the control and tracking of benefits, and a set of standards had been developed. She advised that her team would support officers by providing a framework for delivery of their transformation projects, and she expected that, as regards digital transformation, financial savings may not be realised but additional capacity for staff would be created.

Councillor Hampshire made reference to the improvements to waste collection, which was a transformation project. He stressed the need to allow officers to come forward with ideas for change. Ms Cockburn noted that workshops and a staff survey had taken place in late 2023/early 2024 where managers/staff could submit ideas, and that further opportunities to submit ideas were included in the budget development work and annual staff survey.

Councillor Cassini asked if anything could be developed to help young people gain experience or provide them with opportunities to service their communities. Ms Cockburn advised that

there were currently no projects of this nature, but that it was an area worth considering in future.

Councillor Findlay voiced his surprise that this report had been submitted to Cabinet rather than Council, and asked if future reports could come to Council. Carlo Grilli, Service Manager for Governance, advised that, in accordance with Standing Orders, Cabinet had the remit for strategy and policy, but that the call-in facility could be used to bring reports to Council. The Provost suggested that progress reports could be submitted to the Policy and Performance Review Committee for scrutiny.

Councillor Bruce noted that he still had some concerns about the approach taken; however, he indicated that he was happy to support the Strategy if it could provide the maximum return and was financially sustainable. He commended Ms Cockburn for her work in developing the Transformation agenda.

Councillor Hampshire assured Councillor Bruce that every project would be carefully considered as regards the benefits to the Council and communities, as well as the financial aspects.

Councillor Jardine suggested that cross-party scrutiny of the delivery of the Strategy was important.

The Provost moved to the roll call vote on the recommendation, which was approved unanimously.

### **Decision**

The Council agreed to approve the East Lothian Council Transformation Strategy 2024-29.

**Sederunt:** Councillors Allan and Cassini left the meeting.

## **9. TACKLING THE NATURE EMERGENCY: UPDATE ON ACTIONS TO PROTECT AND ENHANCE NATURE**

A report was submitted by the Executive Director for Place presenting the first report to Council on progress with tackling the Nature Emergency, as requested through the Council's Declaration of Nature Emergency in October 2023.

The Strategy, Policy and Development Manager for Amenity Services, Jennifer Lothian, presented the report. She highlighted the key aspects of the report, including recent work undertaken to tackle the nature emergency (set out at Section 3.5 of the report), the various strategies and policies in place to delivery the aims and objectives of the nature emergency declaration, and the progress made in the development of a Biodiversity Action Plan.

In response to questions from Members on specific initiatives, Dr Lothian and her colleagues (Eamon John, Service Manager for Sport, Countryside and Leisure; Jenny Hargreaves, Team Manager for Countryside; and Jen Newcombe, Biodiversity Officer) provided an update on the development/improvement of nature networks, wildflower planting, orchards, accessible paths and access to green spaces, additional tree planting, and new signage. Members were also advised about ongoing work at John Muir Country Park to protect the salt marsh and provide greater access, and at North Berwick Law to protect the wetland habitat. An explanation was also provided as to the management of sea buckthorn and giant hogweed.

On the recent announcement by the Scottish Government to divert the nature restoration funding, Mr John explained that he was awaiting further detail on the implications of this decision, noting that £109,000 had been allocated to the Council for nature restoration. Dr Lothian advised that a new Lothian Esk Catchment Partnership had been established, involving a number of agencies, which would look at nature-based solutions within the Esk catchment.

As regards biodiversity, Ms Newcombe drew Members' attention to the draft Biodiversity Action Plan, highlighting the importance of partnership working. Mr John undertook to provide updates to the Cross-party Working Group on Climate Change and Sustainability, and he also confirmed that work on protecting and enhancing nature would be incorporated into the LDP2 process. He added that the Infrastructure Service was in the process of mapping the coastline.

Ms Hargreaves also spoke of community engagement in nature restoration, noting that tree planting within schools was underway, involving children and young people.

Councillor Bruce paid tribute to the work of the Countryside Rangers. He expressed concern about the future of the Scottish Government's nature restoration funding. He proposed an additional recommendation, namely, that the Council Leader writes to the Scottish Government asking them to reconsider the proposed reduction in nature restoration funding and to ensure that the £109k is made available for projects to progress. The proposed amendment was seconded by Councillor Findlay.

In response to the proposed amendment, Councillor Hampshire advised that he had received a letter from CoSLA which indicated that the nature restoration funding would come forward, but that it would be delayed. He suggested that the Council waits for further detail on this matter before progressing with such an amendment. Councillor Bruce agreed to withdraw the amendment on that basis.

Councillor Forrest commended officers on the work done throughout the county, and in particular at Lewisvale Park, as well as the planting of wild-flower beds and poppies. The Provost added his thanks to the many volunteers involved in creating and maintaining floral displays.

Councillor McIntosh welcomed the involvement of communities in nature restoration, and also the establishment of the Lothian Esk Catchment Partnership. Concerning the funding, she suggested that the £109k could be taken from Council reserves now to progress the nature restoration work, and then put back into reserves once the Scottish Government funding is received; she indicated that she would raise this as part of the budget discussions.

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

## **Decision**

The Council agreed:

- i. to note the update on Tackling the Nature Emergency: East Lothian Council's Actions to Protect and Enhance Nature, summarised within the report and set out at Appendix 1, available in the Members' Library (Ref: 85/24, August 2024 Bulletin); and
- ii. that future reporting would be lodged in the Members' Library.

**10. SUBMISSIONS TO THE MEMBERS' LIBRARY SERVICE, 10 JUNE – 11 AUGUST 2024**

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 June 2024.

**Decision**

The Council agreed to note the reports submitted to the Members' Library Service between 10 June and 11 August 2024, as listed in Appendix 1 to the report.

DRAFT

Signed .....

Provost John McMillan  
Convener of the Council



**REPORT TO:** East Lothian Council  
**MEETING DATE:** 29 October 2024  
**BY:** Executive Director for Council Resources  
**SUBJECT:** Finance Update

---

**2**

## **1 PURPOSE**

- 1.1 To provide an update on key developments relating to the in-year financial position, future budget setting and transformation.

## **2 RECOMMENDATIONS**

2.1 The Council is recommended to:

- Note the movement in-year financial projections since the quarter one report.
- Note the recurring pressures and ongoing risks facing the Council in relation to its capacity to manage the financial environment.
- Agree the approach to supporting the IJB funding as set out in paragraph 3.6.
- Note that the ongoing intervention measures approved by Council remain under review.
- Note the update on budget development.
- Note the proposed approach to budget consultation for both General Services and HRA.
- Agree to provide the Brunton Theatre Trust with a further letter of comfort to support the going concern assumption for the 2023/24 financial statements audit.

- Note the update on transformation.

### **3 BACKGROUND**

#### In-year position

- 3.1 On 27 August 2024, the quarter one in-year financial position was reported to Council, highlighting the following:
- forecast overspend of £8.8m against general services revenue budgets;
  - unplanned reserve drawdowns of £4m, after taking account of planned use of reserves and one off mitigations;
  - significant recurring pressure within budgets for demand led services including Children’s Services, Health and Social Care and Homelessness;
  - short-term overspends linked to delays in delivering planned savings.
- 3.2 These projections will be updated through a report to the December meeting of Council, capturing the quarter two position and updated financial outlook at that point. The purpose of this report is to give an overview of the key developments impacting on the in-year financial outlook, focussing on key risk areas and any wider developments since the last Council meeting. These have been summarised in the bullet points below:
- The 2024/25 pay settlement for teachers has now been agreed, and Council Leaders have also agreed that the pay offer for local government, craft workers and chief officers will also be implemented. Implementation of the pay award means that Scottish Joint Council negotiations remain open, with the objective of reaching a collective agreement if possible. At this stage it is expected that all pay awards will be made to our workforce in the October payrolls. The overall value of the pay award is 4.27%, of which 3.2% will be met by local government. It is anticipated that this will create a further anticipated recurring pressure of £0.4 million, albeit the exact funding allocation to support the national top-up is still to be received. As a reminder, the budget provision made by the Council for the 2024/25 pay award was 3% rather than 3.2%.
  - Increase in the forecast overspend for Children’s Services of £0.42 million since quarter one, arising from additional costs within external residential and external fostering.
  - Decrease in the forecast overspend for Health and Social Care commissioned services of £0.29 million since quarter one.
  - Growing risks relating to grant funding for maintaining teacher numbers, which could result in a pressure of up to £1.5 million if penalties are enforced for reductions in teacher numbers. This remains the subject of live discussion with

Scottish Government and COSLA and a verbal update will be provided if there are any further developments prior to the Council meeting. However, at this stage we are not anticipating that the final position will be known until January.

- 3.3 Taking into account mitigation measures and underspends, the projected in-year overspend of £8.8 million reported for quarter one could increase by in excess of £2 million. This will continue to be closely monitored with a detailed report and updated projections to be presented to Council in December.
- 3.4 Aligned to the financial management framework, given the significant risk of financial overspend, Adults and Children's Services have been asked to prepare financial recovery plans and identify options to bring spend back within approved budgets. Further scrutiny and monitoring of this position will also be supported through the Executive Management Team which includes representation from the Chief Financial Officer and Head of Finance. Discussions are also ongoing through the Integration Joint Board (IJB).
- 3.5 Given the scale of the financial pressures facing IJB services, the IJB Chief Financial Officer has written to the Council's Chief Financial Officer. The letter is attached at Appendix 1 to the report and sets out that recovery action is being pursued through the IJB, but despite this, expresses concerns around the financial position and the ability to deliver these financial plans in year. The letter also raises concerns relating to the wider impact that delivery of these plans will have on social care services. The letter asks the Council to consider whether any additional funding can be provided to the IJB during this year to support the financial position. Officers continue to work through the Health and Social Care Partnership and IJB to progress recovery plan actions.
- 3.6 These partnership discussions have also recognised the challenging financial position facing the IJB funding partners including the Council. Taking account of the Scheme of Integration, the current financial forecasts and emerging risks set out in this report recognise that should the recovery actions prove unsuccessful, the very limited reserves of the IJB mean it is likely that any residual overspend on adult social care services would fall to the Council to meet from its own reserves. Given the current financial position facing all partners, it is recognised that any additional funding which is less than the overall value of the overspend may not have a material impact on the 2024/25 IJB outturn. As such it is recommended that the Council pursues the following strategy:
  - Continue to explore and support through the HSCP and IJB the delivery of financial recovery plans within the IJB and adult social care services;
  - Continue to work in partnership with the IJB and NHS Lothian to explore wider options for financial recovery actions, and options for addressing the overspend;

- Recognise that there remains a risk that IJB social care services may not be able to deliver a break-even position, and work pragmatically with the IJB to explore options for meeting this overspend;
  - Aligned to the Scheme of Integration, recognise that should no alternative options be identified the overspend will require to be met through partner reserves;
  - Continue to work in partnership with the IJB and NHS Lothian to understand the financial pressures facing the IJB to inform 2025/26 budget offers, and future financial planning.
- 3.7 There remains significant and growing pressure on the General Services capital plan, both in terms of current and future affordability and being able to meet the scale of the obligations aligned to our infrastructure assets. Officers are undertaking a further review of the existing and planned capital programme and any recommendations arising from this will be presented at a future Council meeting.
- 3.8 There also remains pressure within HRA capital and revenue to meet ongoing obligations, in particular the ability to deliver new affordable housing given the reduction in subsidy to support this. Officers continue to explore all options, but this continues to present challenges in the context of affordability and wider resource constraints.
- 3.9 Taking account of the collective scale of pressures facing the Council, if the projected level of overspend materialises, this presents a very significant risk to the Council's financial resilience, and will result in a material reduction in the Council's overall reserve balance. Council is reminded that the minimum level of uncommitted reserve remains at £7.6 million, as reflected in the unaudited accounts and Financial Strategy. It is therefore essential that the Council continues to make every effort to minimise spend and mitigate against the risk of an overspend of this level materialising. This will include ensuring that services operate within approved budgets and apply stringent financial controls including budget mitigation measures which have been previously approved by Council.
- 3.10 At the meeting on 25 June 2024, Council approved the following control measures which the Corporate Management Team is responsible for applying:
- Recruitment – posts will only be filled if there would be an obvious detrimental impact on the three agreed short-term Council Plan priorities from not doing so and sign-off has been given by CMT and EMT. This may result in ongoing disruptions to service delivery and closure of Council facilities; bi-weekly recruitment will continue.
  - All Council managers must operate within approved budget levels, preserving underspends where possible.

- Where a service is overspent or at risk of overspending, urgent financial recovery actions will be required to bring spending in line with approved budget levels.
  - Use of agency staff should be kept to a minimum and should be kept under close review.
  - Council officers will continue to work with partner bodies including the IJB to explore all options to try and mitigate overspends and ensure spending remains aligned to approved budgets.
  - In-year financial review papers will continue to be reported to Council rather than cabinet.
- 3.11 Given the emerging position and heightened risk environment, officers are in the process of considering the application of additional controls which may include further delays to recruitment and minimising the use of agency worker. An update and any further recommendations will be provided to Council in December.

#### Budget Development

- 3.12 The high-level budget projections and scenario planning were reported at the last Council meeting, highlighting an anticipated funding gap of £21.7 million for the next financial year (2025/26) and £64.9 million over the next 5 years.
- 3.13 Proposals for closing this gap are being developed by officers aligned to the themes set out within the financial strategy:
- Asset rationalisation and energy efficiency
  - Income generation
  - Transformation, service redesign and digitalisation
  - Service reductions
- 3.14 The draft proposals are being shared with members through the cross-party budget working group in a series of presentations from the Council Management Team. This approach is intended to enable early consideration to be given to the measures that will need to be taken in order to close the budget gap and set balanced budgets for 2025/26 onwards in line with the council's statutory duty.
- 3.15 The timetable of fiscal events likely to impact on the budget has now been confirmed as follows:
- 30 October: UK Government Autumn Budget
  - 4 December: Scottish Government Budget 2025/26 & Tax Strategy
  - 12 December: Draft Local Government Finance Settlement 2025/26

- It is anticipated the final Local Government Finance Settlement for 2025/26 will not be confirmed until mid-February 2025
- 3.16 The Local Government Finance Settlement will be a one-year settlement, and it is anticipated that Scottish Government will publish a comprehensive spending review next year, following a UK announcement anticipated in spring 2025.
  - 3.17 Consultation on the budget including proposed Council Tax increases was undertaken as part of the Residents Survey this year, enabling a broader and more representative sample of responses to be considered as part of the budget development process.
  - 3.18 A full report on the Residents Survey will be considered by Council at this meeting, providing a detailed breakdown of results. Of particular relevance to budget development and high-level assumptions is the feedback received around council tax increases. Members will be aware that the planning assumption is for a 10% increase to the council tax charge in 2025/26, with 5% annual increases in the subsequent 4 years.
  - 3.19 The majority of respondents to the residents survey indicated a preference to see moderate council tax increases rather than cuts to services, with 61% indicating that they would support a council tax increase of not more than £3 per week, which would equate to a 10% increase for the majority of households in East Lothian. However, it should be noted that at this stage that Scottish Government is yet to set out its intentions in relation to freezing or limiting council tax rises and this remains a key risk to the existing strategy and assumptions.
  - 3.20 It is anticipated that a full and rolling public budget consultation will be developed and undertaken to inform budget decisions from 2026/27 aligned with an anticipated multi-year spending review.
  - 3.21 It is proposed that a consultation on proposed rent levels for 2025/26 will be issued in the next month, the results of which will be shared and inform the rent setting process for 2025/26.
  - 3.22 Integrated impact assessments will be undertaken for all budget savings proposals in advance of Council budget decisions.

#### Brunton Theatre Trust

- 3.23 Members will be aware that the Brunton Theatre Trust forms part of the Council's group reporting structure and consolidated accounts. In previous years Council has agreed to provide a 'letter of comfort' to support the closure of the statutory accounts, and particularly the 'going concern' assumption which is an important consideration for any statutory audit.
- 3.24 An update on the Brunton Hall relating to ongoing RAAC concerns is subject to a separate item on the Council agenda, but it is recognised that the operating

environment facing the Trust in recent years has and will continue to be challenging and there remains a number of significant risks and key assumptions that may have an impact on the future direction. Council officers continue to work pragmatically with the Trust on these issues.

- 3.25 The audit of the Trust's 2023/24 financial statements will conclude shortly. The financial statements have been prepared on a going concern basis and in order to finalise the audit, trustees and the external auditor need to be satisfied that this is an appropriate assumption for the foreseeable future.
- 3.26 To evidence going concern, trustees are required to demonstrate that the Trust's operations will continue for a period of at least 18 months from the date of the audit opinion. The current status of the Brunton Hall, along with uncertainty around the Trust's future funding position and falling reserves raise some questions around going concern; however, Council officers are of the opinion that, on balance, this assumption remains appropriate and feasible at this point in time.
- 3.27 In relation to this, the Executive Director for Council Resources has already written to the Chair of the Brunton Theatre Trust Board confirming the following commitment from the Council to the trust:

*We will continue to work in partnership to support the Brunton Theatre Trust, including any necessary cash flow management to meet your everyday cash liabilities, over the next 12 months.*

- 3.28 To further assist with these considerations, it is proposed that a further letter of comfort could be provided. For the avoidance of doubt, the purpose of a letter of comfort would not be to provide any guarantee of additional financial support being made available by the Council to the Trust, but would reflect an ongoing commitment to working proactively with trustees to develop a financially viable operating model.
- 3.29 Council is asked to consider the recommendation to provide the additional letter of support to the trust and external auditor setting out this commitment.

### Transformation

- 3.30 Following Council's approval of the Transformation Strategy in August, regular updates on progress, status and benefits delivered will be incorporated into future reporting to Council.
- 3.31 Transformation is one of the critical enablers identified within the Financial Strategy to support and enable change required to deliver some of the savings which Council has committed to within the budget.

- 3.32 Savings targets of over £7 million from delivering the asset review and maximising income generation exist within the current 5-year budget agreed by Council and ensuring that these opportunities are realised will be crucial to financial sustainability over the medium term.
- 3.33 Resources have been allocated from reserves to support and enable delivery of transformation over the next 5 years. Acceleration of this work is key to delivering the Financial Strategy and existing commitments to improving and modernising the way we work and interact with customers. Delays to the delivery of savings targets will impact on the budget position resulting in alternative measures needing to be taken in order to balance the budget.
- 3.34 Current projects within the transformation portfolio align to the key objectives set out within the strategy and are summarised below:

**Energy transformation:** a range of projects led by the energy transformation board to support the delivery of the Council's climate change and local heat and energy efficiency strategies.

**Income generation/commercial:** review of income generation opportunities including sponsorship and advertising.

**Asset review:** review of corporate assets and placemaking, lets and bookings.

**Systems:** replacement Housing Management and Financial Management Systems, Microsoft 365 rollout, website replacement.

**Processes:** review of manual effort to streamline processes and maximise opportunities to use technology to deliver efficiencies.

**Data and governance:** Data maturity assessment and development of business intelligence capability

- 3.35 Projects are delivered through a mix of resources from services across the Council, the transformation team and partners and will realise a combination of financial and non-financial benefits for the council and its residents.
- 3.36 Reporting mechanisms for measuring and communicating benefits realisation are being developed in line with the Transformation Strategy and will feature as part of future reporting in this area.

## 4 POLICY IMPLICATIONS

- 4.1 There are no direct policy implications associated with this report, although, ongoing monitoring and reporting of the Councils financial outlook is a key part of the approved Financial Strategy.

## **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report has been considered and given there is no change in policy direction, there is no requirement to undertake any further impact assessment.

## **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – as described within the report.
- 6.2 Personnel - none
- 6.3 Other – none

## **7 BACKGROUND PAPERS**

- 7.1 Council – 27 August 2024 – Quarter 1 Financial Review 2024/25
- 7.2 Council – 27 August 2024 – Budget Development 2025/26 Onwards
- 7.3 Council – 20 February 2024 – Item 2 – Budget Development including the setting of Council Tax and Council Housing Rent for 2024/25
- 7.4 Council – 12 December 2023 – Item 3 – Financial & Capital Strategies 2024-29

<b>AUTHOR'S NAME</b>	Ellie Dunnet
<b>DESIGNATION</b>	Head of Finance
<b>CONTACT INFO</b>	<a href="mailto:edunnet@eastlothian.gov.uk">edunnet@eastlothian.gov.uk</a>
<b>DATE</b>	10 October 2024



East Lothian Integration Joint Board  
John Muir House, Brewery Park  
Haddington EH41 3HA

Chief officer – Fiona Wilson

Sarah Fortune  
Executive Director for Council Resources  
East Lothian Council  
John Muir House  
Haddington

4<sup>th</sup> October 2024.

**By email only**

Dear Sarah,

**East Lothian Integration Board – Social Care Forecast out-turn position 2024/25.**

As you know the IJB set a balanced budget at the start of 2024/25 based on a series of recovery plans which were likely to prove challenging to deliver in year. The month five social care position is now available and although the out-turn forecast is slightly better than that shown in the quarter 1 forecast, this shows a projected overspend of c. £3.0m in the IJB's social care budget.

Obviously the IJB has a responsibility to deliver a balanced position in year and, per the provisions in the Integration Scheme, I have asked the HSCP to provide the IJB with a further series of recovery action to bring the position back into balance. A range of schemes have been provided which could allow the IJB financial position to be brought back into balance. These were presented in out-line to the IJB at its last workshop and further work to develop these schemes is underway.

However, I remain very concerned that delivering these plans in year will not only prove very challenging but also may have a very significant impact on the delivery of social care in East Lothian. The IJB has asked me, as part of the overall financial recovery in year, to ask East Lothian Council if there is any option to provide additional funding in 2024/25 to support the social care position.

In terms of our overall partnership and as part of my responsibility as s95 officer I am keen to flag up my concerns regarding the IJB's financial challenges in year. We have a partner's

meeting next week and thereafter a meeting between ourselves and Craig Marriott – it would be useful to discuss any additional funding issues at that time prior to the next meeting of the IJB which is scheduled for 24<sup>th</sup> October.

Yours sincerely,



David King

Interim Chief Finance officer

Cc Shamin Akhtar, Chair East Lothian IJB  
Andrew Cogan, Vice-chair East Lothian IJB  
Fiona Wilson, Chief Officer, East Lothian IJB  
Craig Marriott, Director of Finance, NHS Lothian



**REPORT TO:** East Lothian Council

**MEETING DATE:** 29 October 2024

**BY:** Executive Director for Place

**SUBJECT:** The Brunton Hall RAAC Update, Proposal for Closure and Alternative Service Delivery Arrangements

3

---

## 1 PURPOSE

- 1.1 To provide an update on the current position at the Brunton Hall which has been compromised structurally due to the discovery and condition of Reinforced Autoclaved Aerated Concrete (RAAC).

## 2 RECOMMENDATIONS

The Council is recommended to:

- 2.1 Note that RAAC roof panels are present at the Brunton Hall and that structural surveys have identified significant structural issues with these.
- 2.2 Note the current condition of the RAAC roof panels, the challenges of maintaining statutory compliance and the poor working environment at the Brunton Hall.
- 2.3 Agree to relocate Council services currently operating from the Brunton Hall to alternative locations at a cost of £442,000.
- 2.4 Approve the closure and mothballing of the Brunton Hall as soon as possible after suitable alternative arrangements for service delivery are in place.
- 2.5 Agree to carry out one-off mothball works at the Brunton Hall and split the heating system that serves both the Brunton Hall and Brunton Court at a cost of £729,000 (of which £705,000 will require clarification as to whether all or an apportionment sits within the HRA).
- 2.6 Note that the potential remediation of the RAAC at the Brunton Hall is unaffordable and that the preferred option is to demolish the building at a cost of £3.6m.

- 2.7 Agree to undertake a statutory consultation under the Community Empowerment (Scotland) Act 2015 to demolish the Brunton Hall.
- 2.8 Agree to undertake a place-based development project to prepare viable options for the future service delivery and accommodation of the arts in the Musselburgh area.
- 2.9 Agree that the results of the consultation exercise and the place-based development project are reported to East Lothian Council to allow a decision on this proposal to be taken.

### **3 BACKGROUND**

- 3.1 The Brunton Hall complex was officially opened on the 25 June 1971 by Her Majesty Queen Elizabeth the Queen Mother. It contains an auditorium, performance halls, Council offices and is the focal point of Council services for Musselburgh. The auditorium was refurbished in 1990 and a further building refurbishment was undertaken in 2010.
- 3.2 The building is generally understood to be of steel/concrete frame construction with reinforced concrete floors and a mixture of Reinforced Autoclaved Aerated Concrete (RAAC) and reinforced concrete roofs. External walls are understood to be primarily reinforced concrete cladding panels. Like many buildings of this age and type, asbestos containing materials were used in the construction of the Brunton Hall and those that are still present are subject to an asbestos management regime.
- 3.3 RAAC is a lightweight form of precast concrete but is much less durable than traditional concrete. Concerns have been raised of the safety of RAAC as a result of a number of instances where it has resulted in roof collapse. Inspections carried out in March 2023 identified the presence of RAAC roof panels. The extent of RAAC found in the Brunton Hall can be seen in Appendix 1.

#### **Current Safety Arrangements**

- 3.4 Following the discovery of RAAC roof panels, several measures have been implemented to ensure the safety of staff and customers as well as continuity of service.
  - Restrictions have been put in place to control access to areas directly below RAAC roof panels including Venue 1, the Supper Room, and the top floor of the office block.
  - Alternative performance venues are currently being used by Brunton Theatre Trust to deliver the programme of events.
  - Propping has been installed to several areas that were deemed high-risk by the structural engineer due to the condition of the RAAC roof panels. However, not all high-risk areas are currently propped, the risk is controlled by restrictions accessing these areas.

- A programme of ceiling removal has been undertaken to reduce the loading from the underside of the roof planks. This has also allowed access to allow inspection of the exposed roof panels.
  - A RAAC Management Plan has been prepared for the Brunton Hall and has been approved by the Council's insurers and shared with the Health & Safety Executive.
- 3.5 Whilst these measures have meant that the Brunton Hall is currently safe to use for staff and customers, it is becoming increasingly difficult and more expensive to maintain the building with the restrictions in place. There remains a risk that this could change at short notice as the RAAC continues to deteriorate.

### **Current RAAC Condition**

- 3.6 RAAC is a lightweight cementitious material with mild steel reinforced bars and was used mainly in flat roof construction between the 1960s and the 1980s. It is aerated and contains no coarse aggregates meaning it does not behave like conventional reinforced concrete. RAAC is highly permeable and any defects in the roof membrane can allow water to permeate into the panels. This can lead to an increase in panel weight, corrosion of reinforcement and ultimately adversely impact the material strength. Behaviour of the panels is difficult to predict due to uncertainties in the material and the mechanical properties of the panel.
- 3.7 The Building Research Establishment (BRE) estimates the design life of RAAC panels to be approximately 30 years after which consideration should be given to replacement. The roof panels in the Brunton Hall are now more than 50 years old.
- 3.8 Ongoing water ingress at the Brunton Hall, particularly in areas where propping is not present, is resulting in deterioration of the roof panels. This presents an ongoing risk of failure of the panels. Detailed assessment of these panels by the structural engineer have not been possible due to concerns safely accessing them and the underside of the panels being obscured for visual inspection.
- 3.9 Whilst safety arrangements have been put in place to mitigate the risk associated with these roof panels, there have been cases of sudden failure elsewhere in the UK. If the roof panels were to fail, there would be a significant risk of disruption to asbestos-containing materials below, with possible release of asbestos fibres into the air. Failure of the roof panels would also be likely to make refurbishment or demolition much more complex and more expensive.
- 3.10 The risk associated with the failure of RAAC panels could be reduced if additional propping is provided to the remaining areas and the water ingress to the roof is resolved. However, this presents technical challenges as some of these areas are double height spaces with tiered seating below and walkways/services at high level. To safely install these props, an extensive asbestos removal programme would also be required in

advance. It is worth noting that this would be a temporary measure and full remediation of the roof panels would still be required. If additional propping was installed, it would permanently render a number of rooms unusable for service delivery. This would include the Theatre, Venue 1 and the Supper Room. Installing propping at critical locations at the end of the panels significantly reduces the risk of roof collapse; however, water ingress may continue to deteriorate RAAC panels even where propping is present.

- 3.11 As part of the option appraisal investigations, the structural engineers also carried out testing to the concrete frame and cladding panels. The testing identified two cladding panels which were assessed as having a high risk of potential corrosion. They have confirmed that it is not presently considered a safety issue, but further investigation and remedial works are required to address this.

### **Statutory Compliance Challenges**

- 3.13 Ensuring statutory compliance within the Brunton Hall is becoming more and more challenging and expensive. Reduced staff presence and restricted area have increased risk associated with legionella. Stagnant water in the system provides a breeding ground for legionella to multiply. In normal use, with a fully occupied building, the system is in regular use. Little used outlets are identified and flushed weekly as part of a monitoring regime. However, large areas of the building have little or no use, so an increased flushing regime has been put in place that includes daily flushing of outlets. This is much more onerous and expensive to undertake. Also, large area of the building has access restrictions in place. This means additional controls on contractors carrying out statutory compliance inspections and maintenance to ensure that they can carry these out safely. This is increasing time consuming to undertake and manage.

### **Current Working Environment**

- 3.14 Following the partial closure of large areas of the building and the general decline in numbers of users, staff still using the remainder of the Brunton Hall have advised that the quality of the working environment has deteriorated significantly, and it is no longer a pleasant place to operate from. This includes a decline in air quality (e.g. damp, stuffiness). The heating system to half of the office areas being used in the building have now failed with investment required to replace the heating pumps which is estimated to cost in the region of £10,000. Temporary heating is presently being provided which will be much more expensive to operate therefore extended use is not advisable. This further supports the recommendation to mothball.

### **Proposed Relocation of Services Based at the Brunton Hall**

- 3.15 Given the poor working environment, statutory compliance challenges and the future risk associated with the RAAC roof, it is proposed that Council services currently based in the Brunton Hall are relocated to suitable alternative properties as a precautionary measure. The full list of services

at the Brunton Hall and the proposed alternative service locations can be found in Appendix 2.

### 3.16 Former Citizens Advice Bureau at 141 High Street, Musselburgh

This building has been vacant since the CAB moved to the Fisherrow Centre. It will contain 14 workstations and 2 customer counters along with 4 interview rooms. It is proposed that this will be the main Council presence in the town centre for face-to-face contact and will include the following services:

- Customer Services
- Housing Options Duty Officer
- Musselburgh Community Housing Team
- Bookable desks, interview rooms and a meeting room that can be used by other services.

### 3.17 Musselburgh East Community Learning Centre

It is proposed that one of the existing training rooms at Musselburgh East Community Learning Centre will be converted into office accommodation to accommodate the Art Services team.

### 3.18 Aldhammer House, Prestonpans

Previously used as a Housing Area Office it is currently mothballed due to condition issues with the heating system. It is proposed that this property is brought back into operation and interview rooms be provided to accommodate Justice Social Work and associated Business Support.

### 3.19 John Muir House, Haddington

John Muir House is undergoing a phased transformation to the 'new ways of working' layouts. The following services will be relocated to John Muir House:

- Housing Options
- Mental Health Officers
- Public Protection Unit

3.20 The following table provides a summary of the costs to upgrade each of the alternative service locations.

<b>Property</b>	<b>Cost to Upgrade</b>
141 High Street, Musselburgh	£170,000
Musselburgh East Community Learning Centre (Community Meeting Room R006)	£12,000
Aldhammer House	£260,000
John Muir House	Included in current approved NWOW budget
<b>Total</b>	<b>£442,000</b>

The proposed works will take an estimated 6 months to complete.

Such a change in accessing Council services will require to be well managed and communicated to staff and customers.

### **Closure and Mothballing of the Brunton Hall**

- 3.21 Once services have been relocated to the alternative locations, it is proposed that the Brunton Hall be closed and mothballed. This would result in a temporary revenue saving of approximately £300,000 per annum on current year budgets through the reduction in energy costs, cleaning, janitorial and maintenance.

The table below shows one-off costs to mothball the Brunton Hall.

<b>Description</b>	<b>Estimated One-off Costs (Mothballed)</b>
Split heating system with Brunton Court	705,000
Board up doors and windows	13,000
Reflective film to ground floor windows	9,000
Remote CCTV security system	1,000
System drain-down and final disconnections	1,000
<b>Total</b>	<b>729,000</b>

The following should be noted:

- The heating system at the Brunton Hall also serves Brunton Court. There will therefore be a requirement to split these systems to make Brunton Court operate independently if a decision is taken to mothball. The costs for this will require clarification as to whether all or an apportionment sits within the HRA budget which may require to be re-prioritised to accommodate this.
- Ground floor windows will have a reflective film applied to them externally and boarded up internally.

### Options for RAAC Remediation

3.22 An option appraisal has been carried out by Council officers and the structural engineer to establish the potential technical solutions to remediate the RAAC roof at the Brunton Hall and to provide an indication of cost. A summary of the options considered, and an indication of costs is shown in the table below.

Option Description	Budget Cost
Incorporation of secondary structural deck	£22.242m
Complete refurbishment of the building (Option 3)	£42.912m
Demolition and new build (Option 4)	£50.742m
Demolition and new build to Passivhaus standard (Option 5)	£57.949m

#### Incorporation of secondary structural deck

This option is based on the existing RAAC panels remaining in place but being fully supported from below using a secondary timber structure (similar to the solution employed at Preston Lodge High School). There are some roofs where this is not feasible, so complete roof replacement has been proposed in these areas. This option will require significant alteration and replacement of existing mechanical and electrical services, particularly those located adjacent to RAAC roof panels. Officers have concerns over practicalities of this option, the long-term ability to keep the RAAC panels dry, the life expectancy of other building elements and the future cost liability in not carrying out other condition related works such as replacement windows and cladding, etc. As a result, this option is not recommended.

### Complete refurbishment of the building

This option consists of the complete replacement of the RAAC roof panels as well as full refurbishment of the Brunton Hall. Significant investment will be required to deliver this option and there are concerns whether this would represent value for money as the existing footprint and internal configuration being retained has considerable energy and environmental challenges and retains operational difficulties with the layout that would not be considered best value.

### Demolition and new build

This option would involve the demolition of the Brunton Hall, and a new facility built to current standards on the existing site. Costs are based on retaining the same floor area as the existing building.

### Demolition and new build to Passivhaus standard

This option would involve the demolition of the Brunton Hall, and a new facility built to Passivhaus standard on the existing site. Passivhaus is a voluntary standard for energy efficiency that is in excess of current building standards. It results in an ultra-low energy building through increased insulation, improved air tightness and low carbon heating sources. Costs are based on retaining the same floor area as the existing building.

### Partial demolition

- 3.23 The viability of demolishing the office part of the Brunton Hall to leave only the performance spaces was considered. However, this option has been discounted on the basis that significant RAAC remediation would still be required to the roofs above these areas and the fact that the main service supplies are located on the east side of the building and would require to be relocated.

### **Proposal for Demolition**

- 3.24 The options above are considered unaffordable and do not represent value for money due to the current fiscal climate and the financial challenges facing the Council. It is therefore proposed that the building should be demolished once the building has been mothballed and services relocated. This would provide the benefit of not having an ongoing safety and security liability. It would also reduce the risk of increased future demolition costs if part of the roof was to collapse. The Brunton Hall houses a Scottish Power sub-station and telecom masts which would need to be taken into account if demolishing the building. It is also worth noting that whilst the Brunton Hall is not in a conservation area, engagement with Planning Services would be required prior to demolition.
- 3.25 The Brunton Hall is classified as a Common Good asset. The Community Empowerment (Scotland) Act 2015 requires the Council to publish details of any proposed changes to Common Good assets and to open these proposals to community councils for consultation. As a result, it is proposed that an exercise be undertaken to consult on the proposal to

demolish the Brunton Hall prior to a decision being taken on the future of the building.

### **Place-based Approach to Future Service Delivery**

- 3.26 Musselburgh is the largest town in East Lothian with a population estimated to be over 21,000. Should the Brunton Hall be demolished then it is recommended that place-based development project, consistent with the Council's asset strategy and management plan, is undertaken to determine the most appropriate, sustainable and affordable way forward.

This could include:

- Potential co-location with Community Planning Partners
- Business case for replacement of the theatre and other performance spaces
- Alternative locations such as Musselburgh Old Town Hall
- Possible integration with any proposals to replace Musselburgh Grammar School following PPP agreement.

Further consideration will be required as to how this development project is resourced and funded.

### **Conclusion**

- 3.27 Given the current condition and significant cost of the options to remediate the RAAC, the recommendation is to close the Brunton Hall and decant services to alternative locations.

## **4 POLICY IMPLICATIONS**

- 4.1 The recommendations of this report align with the Property Asset Strategy & Management Plan 2024–2028, approved by the Council on 25 June 2024.
- 4.2 The actions recommended in this report align with the East Lothian Council Plan 2022-27.

## **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report may affect the wellbeing of the community or have a significant impact on equality, the environment or economy therefore an Integrated Impact Assessment has been carried out, and will be published on the Council's website:

[Integrated Impact Assessments | Integrated Impact Assessments | East Lothian Council](#)

## 6 RESOURCE IMPLICATIONS

- 6.1 Financial – There is a temporary revenue saving on premises costs of £300,000 per annum if the Brunton Hall is closed and mothballed. The following one-off costs are required to achieve this.

Description	Estimate (£000)
Upgrade works to 141 High Street, Musselburgh East Community Learning Centre and Aldhammer House	442
Split heating system with Brunton Court	705
Other mothball works	24
<b>Total</b>	<b>1,171</b>

The cost to demolish the Brunton Hall is estimated to be £3.6m (subject to consultation) and may require to be met from Common Good.

- 6.2 Personnel – there will be a requirement for staff to be moved to a new work location with amendments required to their contracts for their new work base.

Resources to carry out the feasibility and design works for alternative decant premises have not been identified at present. There is concern that this is unplanned work, and existing resources are fully committed with other agreed project work.

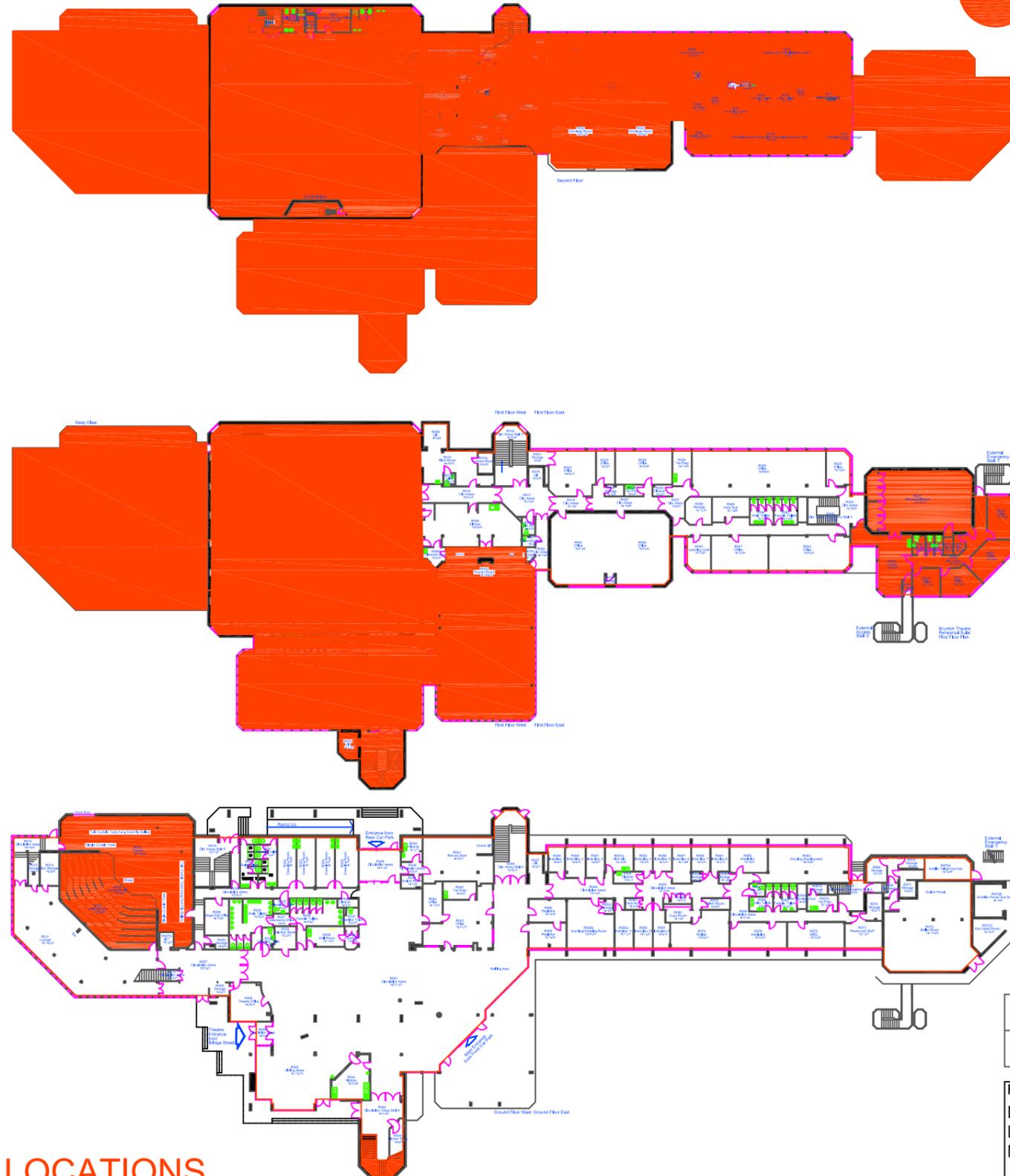
- 6.3 Other - None

## 7 BACKGROUND PAPERS

- 7.1 Appendix 1: Extent of RAAC at the Brunton Hall  
Appendix 2: Alternative Service Delivery Locations

<b>AUTHOR'S NAME</b>	Tom Reid
<b>DESIGNATION</b>	Head of Infrastructure
<b>CONTACT INFO</b>	<a href="mailto:treid@eastlothian.gov.uk">treid@eastlothian.gov.uk</a>
<b>DATE</b>	29 October 2024

 OUT OF BOUNDS LOCATIONS



 OUT OF BOUNDS LOCATIONS

Rev	Date	Description	Drawn
A	13/04/2023	Out of bounds areas at the Brunton Hall / RAAC Locations	GF

PROJECT Brunton Hall Ladywell Way Musselburgh EH21 6AF		DRAWING Out of Bounds Locations	
---	--	------------------------------------	--



**East Lothian Council**  
ENGINEERING SERVICES

SCALE N.T.S.	At A3	PROJECT No.	Asset No 1552
DRAWN KS	CHECKED	DATE Apr 23	DRG NO
			STAGE
			REVISION A
John Muir House Haddington East Lothian EH41 3HA Telephone 01620 827827 Fax 01620 827437			

Property	Workstation Availability	Proposed Workstation/Service Allocation
141 High Street, Musselburgh (Ground Floor)	<ul style="list-style-type: none"> <li>• 2 open interview counters</li> <li>• 4 workstation desks</li> </ul>	<ul style="list-style-type: none"> <li>• Customer Services (2 open interview counters &amp; 3 desks)</li> <li>• Housing Options Duty Officer (1 desk)</li> </ul>
141 High Street, Musselburgh (First Floor)	<ul style="list-style-type: none"> <li>• 8 workstation desks with Meeting Room.</li> </ul>	<ul style="list-style-type: none"> <li>• Community Housing Team (4 desks)</li> <li>• Bookable Hot Desks (4 desks) <i>can be used by TAC team when meeting YP</i></li> </ul>
Musselburgh East Community Learning Centre, Musselburgh (Community Meeting Room R006)	<ul style="list-style-type: none"> <li>• 12 workstation desks</li> </ul>	<ul style="list-style-type: none"> <li>• Arts Services (8 desks)</li> </ul>
John Muir House, Haddington	<ul style="list-style-type: none"> <li>• Various</li> </ul>	<ul style="list-style-type: none"> <li>• Housing Options (10 desks)</li> <li>• Mental Health Officers (8 desks)</li> <li>• Public Protection Unit (5 desks)</li> </ul>
Aldhammer House Ground Floor	<ul style="list-style-type: none"> <li>• 25 workstation desks</li> </ul>	<ul style="list-style-type: none"> <li>• Justice Social Work (19 Desks)</li> <li>• Business Support (4 Desks)</li> </ul>

**REPORT TO:** East Lothian Council

**MEETING DATE:** 29 October 2024

**BY:** Executive Director for Place

**SUBJECT:** Local Heat and Energy Efficiency Strategy and Delivery Plan

**4**

---

## **1 PURPOSE**

- 1.1 To present the Local Heat and Energy Efficiency Strategy and Delivery Plan (LHEES) to Council for approval.

## **2 RECOMMENDATIONS**

- 2.1 It is recommended that the Council:
- Approves the Local Heat and Energy Efficiency Strategy and Delivery Plan
  - Agrees that officers should continue to explore all opportunities to undertake feasibility studies where funding is available to assess the technical and financial viability of district heating and smaller-scale local heat network solutions.

## **3 BACKGROUND**

- 3.1 Local Authorities, under The Local Heat and Energy Efficiency Strategies (Order) 2022, are required to prepare a Local Heat and Energy Efficiency Strategy (LHEES) with an accompanying 5-year Delivery Plan. These should set out a long-term plan for improving energy efficiency and decarbonising heat in all domestic and non-domestic buildings across East Lothian. LHEES is primarily driven by Scotland's statutory targets for fuel poverty and greenhouse gas emissions reduction:
- In 2040, as far as reasonably possible, no household in Scotland is in fuel poverty.
  - Net zero emissions by 2045, 90% reduction by 2040 and 75% reduction by 2030.

- 3.2 The heat and energy efficiency environment in which this report has been prepared is rapidly moving in terms of policy, legislation and technology.
- 3.3 Members will recall that the LHEES draft was approved by Council on 31 October 2023.
- 3.4 Further stakeholder engagement and consultation on the draft was carried out between November 2023 and January 2024.
- 3.5 The LHEES Project Officer has engaged significantly with internal and external stakeholders. Internal engagement has been focused via the Council's Cross-Party Climate Change and Sustainability Forum and the membership of the Energy Transformation Board. The following external stakeholder groups have been consulted:
- Delivery partners – Scottish Government, Energy Saving Trust, Zero Waste Scotland, Home Energy Scotland
  - Community groups – a wide range of groups across all communities via the East Lothian Climate Action Network (ELCAN)
  - Utilities
  - Waste heat providers
  - Public sector estates
  - Registered social landlords
  - Landowners
  - Energy suppliers
  - Technology providers
  - Historic buildings
  - Cross-boundary local authorities
  - Non-domestic anchor loads
  - Investors/finance
- 3.6 The draft report was reviewed by consultants, ARUP on behalf of the Scottish Government. This review identified elements of the draft report that did not fully comply with the Scottish Government's guidelines. This presented a risk that the Council might not receive grant funding for future phases of development.
- 3.7 Further analysis work was carried out, supported by Zero Waste Scotland and consultancy Buro Happold, to address the issues raised. The revised strategy has been reviewed by the Heat in Buildings Delivery Division of the Scottish Government.
- 3.8 The changes included in the final version of the LHEES include a greater use of maps to help readers understand the spatial distribution of areas described in the text, revisions on the data used to plot sites with high heat demands, and a greater emphasis on the range of net zero and low carbon technologies that may be considered.
- 3.9 East Lothian Council has continued to engage with regional partners and a study is underway, funded by the City Region Deal, to support the development of a Regional Energy Masterplan.

3.10 East Lothian Council was accepted on to the Scottish Government's District Heating Mentoring Programme for 2023/24 that involved receiving support from Danish district heat networks operators.

3.11 The LHEES presented today is focused around achieving five outcomes:

- East Lothian's communities and property decision makers are engaged and empowered to deliver net zero heating targets;
- Every property owner will be supported to make a decision on their Net Zero heating solution;
- East Lothian's homes and buildings are as energy efficient as possible;
- Heat solutions are delivered to tackle fuel poverty and meet 2045 net zero target;
- Investment and grant funding is secured to deliver net zero projects;
- A significant proportion of the benefits of Net Zero investment remain within the East Lothian economy.

See Appendix 1 for the full report - East Lothian Council's Local Heat & Energy Efficiency Strategy, available in the Members' Library (Ref: 130/24, October 2024 Bulletin: [Agendas, reports and minutes | East Lothian Council](#)), and the Delivery Plan (attached as Appendix 2 to this report).

3.12 LHEES will be a strategic key document for East Lothian Council. It will impact on all three overarching objectives in the East Lothian Council Plan (2022-2027): recovering with future sustainability; reducing fuel poverty; and, most significantly, delivering the actions required to make East Lothian reach its net zero targets.

## **4 POLICY IMPLICATIONS**

4.1 It is anticipated that the LHEES will provide a strategic context with implications on the following East Lothian Council strategies and policies:

- East Lothian Council Plan (2022-2027)
- Climate Change Strategy (2020-2025)
- Local Housing Strategy (2024-2028)
- East Lothian Poverty Plan (2024-2028)
- [In preparation] Local Development Plan 2

## **5 INTEGRATED IMPACT ASSESSMENT**

5.1 The subject of this report has been through the Integrated Impact Assessment process and no negative impacts have been identified.

## 6 RESOURCE IMPLICATIONS

- 6.1 Financial – Implementing the strategy will be financially challenging without significant funding from the Scottish Government. The delivery of LHEES cannot have any cost implications for East Lothian Council. Further work is required to define more detailed actions and the role which the Council could have in these actions, but without Scottish Government funding the Council's actions could be limited. Any new related Council projects would be subject to a business case and further approval.
- 6.2 Personnel – East Lothian Council currently has one LHEES Project Officer working full-time to ensure delivery, with support from the Council's Sustainability & Climate Change Officer. The broad scope of LHEES means that it overlaps with the responsibilities of other teams in Housing, Infrastructure, Communities, Economic Development and Transformation.
- 6.3 Other – none

## 7 BACKGROUND PAPERS

- 7.1 Appendix A, available in the Members' Library (Ref: 130/24, October 2024 Bulletin: [Agendas, reports and minutes | East Lothian Council](#)).
- 7.2 Report to Council on 31 October 2023: Draft Local Heat and Energy Efficiency Strategy for Consultation: [Agendas, reports and minutes | East Lothian Council](#)

<b>AUTHOR'S NAME</b>	Martin Hayman
<b>DESIGNATION</b>	Local Heat and Energy Efficiency Strategy Project Officer
<b>CONTACT INFO</b>	mhayman@eastlothian.gov.uk
<b>DATE</b>	14 October 2024

## East Lothian Heat and Energy Efficiency Delivery Plan - 2024-2028

Ref	Intervention	Outcome	Target dates	Lead Service	Indicator	Baseline	RAG Tracker	Notes
<b>Outcome 1 - Property owners are engaged with the need to reduce carbon emissions and empowered to make decisions on energy efficiency and heating solutions</b>								
<b>Key Priority Area 1: Raising Awareness</b>								
1	Increase awareness among home and business owners of the urgent need to plan for changes to how their property is heated	Campaigns to raise awareness	ongoing	Scot Gov / Community	Change in survey responses	Determined by community surveys		
2	Increase awareness among home and business owners of available funding resources and support for installing energy efficiency improvements	Funding secured for retrofit		Community / HES / BES	HES enquiries, Grants awarded - quantity and value	2023 statistics		
<b>Key Priority Area 2: Building Community Leadership</b>								
3	Identify action groups and volunteers in each community to take a local leadership role	Key groups identified	end 2024	Community	No. of groups / volunteers committed	Existing ELCAN network		
4	Establish data management and sharing procedures to facilitate data collection and community-based activities	Agreement process in place	end 2024	Community/ LHEES	Data agreements in place	New initiative		
5	Agree action plans for each community to support energy efficiency drive and where appropriate, preparation for heat networks	First by June 2024	ongoing	Community	No. of plans in agreed	New initiative		
6	Undertake a programme of resident surveys and thermal imaging work to raise awareness and improve data on energy use and heating	Increasing accurate data coverage	ongoing	Community	Survey responses Properties imaged	New initiative		
<b>Outcome 2: East Lothian's homes and buildings are as energy efficient as possible</b>								
<b>Key Priority Area 1: Conservation Areas</b>								
7	Agree advice on energy efficiency measures that can be provided to all owners of properties in Conservation Areas	Website updated	end 2024	Planning / LHEES		New initiative		
8	Deliver free pre-application advice for Conservation Area properties with proposals for renewables and/or energy efficiency measures to encourage early action	Increase in adaptations in Cons. Areas	ongoing	Planning / Community	No. of enquiries received	New initiative		
<b>Key Priority Area 2: Solar PV Installations</b>								
9	Track number of properties with solar PV and batteries, prioritising those suitable for communal and individual heat solutions	10000 PV, 500 Batteries	2028	LHEES / Community	MCS registrations	SPV 5116 at end 2023, 915 new PV in 2023, 14 new batteries (no accurate record of earlier battery installations)		Majority linked with new build, not retrofit
<b>Key Priority Area 3: Owner-occupiers</b>								
10	Ensure Scot Gov EES:ABS funding for vulnerable households is targeted effectively and aligns with any heat network expansion timeline	Full budget spent annually	ongoing	Housing	Annual plan to spend all funds available	£1.1m in 2022/23 and 2023/24		£1.1m again in 24/25 though late decision - 15 Solar PV & battery properties, 12 properties for EWI and a CWI project in Wallyford

Ref	Intervention	Outcome	Target dates	Lead Service	Indicator	Baseline	RAG Tracker	Notes
11	Working with community action teams, deliver community driven programme promoting improved insulation, building on survey work and highlighting potential savings	To be decided		Community / HES	HES enquiries	509 enquiries in Q4 2023		
Key Priority Area 4: Council Homes								
12	Continue to deliver a rolling programme of fabric upgrades to improve energy efficiency	Targets to be determined - see below	ongoing	Housing	EPC and condition reports			
13	Monitor the outcome of the Scottish Government consultation on Net Zero Standard and the implication for fabric improvement priorities		end 2024	Housing	To be confirmed			
14	Promote Solar PV and battery options for properties that may be suitable for communal and individual heat solutions		ongoing	Housing				
Key Priority Area 5: Private Rented and Short Term Lets								
15	Agree procedure and responsibility for enforcing new legislation on minimum EPC standards		End 2024	LHEES / Licensing / Housing	Home Analytics and Private Landlord Register	772 without EPC and 2179 rated below EPC C		
16	Proactively target owners of poor performing with warnings and energy efficiency advice ahead of EPC changes	To be set in late 2024 based on Scot Gov advice		EST / LHEES / Licensing / Housing	EPC quarterly updates and Private Landlord Register	As above		
Key Priority Area 6: Social Rented								
17	Engage all Housing Associations regarding interest in potential heat network connection opportunities		decided following feasibility	LHEES / Housing		ELHA and Homes for Life engaged		
18	Explore options for socially rented properties that may be suitable for communal heat network/pump connection	To be decided		LHEES	Number of properties connecting	New initiative - 125 with electric heating		
Key Priority Area 7: Council-owned Non-domestic								
19	Identify assets that could be served by a heat network, following the Asset Review	Property list	End 2024	LHEES / Assets	Number of properties	77 on-gas sites prior to the review		
20	Prioritise energy efficiency investment for these properties with a pipeline of possible projects to take advantage of funding opportunities		ongoing	Assets	HNR tracker / Annual gas use	Initial list produced in 2023		
21	Prepare net zero plans for Council assets currently using LPG or oil for heating		mid 2025	Assets	Number remaining to convert	7 properties outstanding		
22	Extend the preparation of Council assets to those that are leased to other businesses			LHEES / Estates	Number requiring action	Unknown - still being explored		
Key Priority Area 8: Other Non-domestic								
23	Encourage all businesses to explore and prioritise energy efficiency measures	Improvements in EPCs	Ongoing	Econ Dev / Community / BES	Businesses engages with BES	Projects already completed		
Outcome 3 - Heat solutions are delivered to tackle fuel poverty and meet 2045 net zero target								

Ref	Intervention	Outcome	Target dates	Lead Service	Indicator	Baseline	RAG Tracker	Notes
<b>Key Priority Area 1: Heat Network Opportunities</b>								
24	Work with Midlothian, Edinburgh, West Lothian and Fife Councils on a regional heat masterplan, exploring the potential demand for heat and heat network connections across the region	Phase 1 completed	Mar-25	LHEES	Report and GIS visualisation	LHEES reports		
25	Subject to securing funding, undertake strategic feasibility work on a range of local heat solutions	Report completed	mid 2025	LHEES	Report completed	New Initiative		
26	Maintain contact with all relevant external partners and stakeholders related to heat network opportunities while feasibility studies are being carried out	regular communications	ongoing	LHEES	List of engaged stakeholders	List from LHEES report		
27	Determine any phases of heat network development based on the outcomes of feasibility studies	Early phase options agreed	TBC	LHEES / Community	Number of phases under consideration	New Initiative		
<b>Key Priority Area 2: Communal and Individual Heat Solutions</b>								
28	Identify groups of properties that might be suitable for communal heat networks such as shared air source or ground source	Will be clarified by end 2024		LHEES / Community	No. of identified leads	Biomass solutions already operational		
29	Engage residents and refer community groups to Community Energy Scotland for targeted advice		ongoing	Community / CES	Successful applications for CES funding	Pencaitland, Innerwick and Tynninghame		
30	Refer decision makers for individual solutions to Home Energy Scotland for targeted advice		ongoing	Community	HES quarterly reports to ELC			
31	Track the levels of air source and ground source heat pump installations	Quarterly reporting	ongoing	LHEES	MCS registrations	ASH - 458 total at end 2023, 69 new in 2023 GSH - 53 total at end 2023, 1 new in 2023		79 ASH to end Aug 2024. Sunamp trial may boost retrofit figures in 2024/25
<b>Outcome 4 - Investment and grant funding is secured to deliver net zero projects</b>								
<b>Key Priority Area 1: Feasibility Studies</b>								
32	Secure funding to undertake a regional energy masterplan study	Funding secured from UKSPF	Jul-24	LHEES / Fife / Edin / Mid	Funding secured			Phase 1 approved, potential for second in 25/26
33	Secure funding from Heat Network Fund for a strategic level feasibility study on Heat Network proposals		May-24	LHEES	Funding secured			Application delayed due to 24/25 budget spent
<b>Key Priority Area 2: Infrastructure Investment</b>								
34	Develop business plans for each phase of heat network development	Plans produced and agreed	TBC	TBC	Plans prepared			
<b>Key Priority Area 3: Grant funding from Scottish and UK Governments</b>								
35	Secure annual funding from Scottish Government for ongoing energy efficiency programmes	April each year		Housing	Budget approved	£1.1m secured in 2023/24		£1.1 secured again for 24/25

Ref	Intervention	Outcome	Target dates	Lead Service	Indicator	Baseline	RAG Tracker	Notes
36	Develop a pipeline of ELC projects that can apply for ongoing rounds of capital funding via the Public Sector Heat Decarbonisation Fund	Revise list by end 2024		Assets	Number of applications made and grants secured	New initiative		No funding available in 2024/25
Key Priority Area 4: Community Funding								
37	Support an application to the National Lottery Climate Action Fund to support Community Heat Team expansion	Phase 1 Submission	TBC	Community / LHEES	Application success	New initiative		
38	Support efforts by the Association of East Lothian Community Councils to coordinate community benefits from energy companies that support the development of local heat solutions	Ongoing		Community / LHEES	Number of agreements and annual value	New charity established in Feb 2024		Early engagement underway with early promise
<b>Outcome 5 - A significant proportion of the benefits of net zero investment remain within the East Lothian economy</b>								
Key Priority Area 1: Community Wealth Building								
39	Subject to feasibility studies, investigate and decide on the most appropriate corporate structure to develop and manage East Lothian's heat networks and other energy infrastructure	Timing dependant on feasibility work	end 2025	LHEES / HNSU / Community	Delivery model agreed	Early investigations into Community Benefit Company / Cooperative		
Key Priority Area 2: Tackling Fuel Poverty								
40	Aim for a delivery model for heat networks with no connection costs to ensure all customers can benefit from lower costs and net zero solutions		end 2025	LHEES	Delivery model agreed			
41	Explore opportunities with credit unions to develop local loan solutions for retrofit work		end 2025	LHEES	Number of applications made	New initiative		
Key Priority Area 3: Developing the Local Supply Chain								
42	Increase the number of skilled installers in the region, to help towards closing the skills gap for both energy efficiency and any future heat network installation	To be decided following feasibility		Econ Dev	Number of companies involved	Output from Regional project on skills		

**Lead Service Key:**

HES - Home Energy Scotland; BES - Business Energy Scotland; CES - Community Energy Scotland; LHEES - LHEES Officer at East Lothian Council

**REPORT TO:** East Lothian Council

**MEETING DATE:** 29 October 2024

**BY:** Executive Director for Place

**SUBJECT:** Development of a Visitor Levy Proposal

---

**5**

## **1 PURPOSE**

- 1.1 To seek approval for the development of a Visitor Levy Proposal for East Lothian.

## **2 RECOMMENDATIONS**

- 2.1 That Members note the Visitor Levy (Scotland) Act 2024 (the Act) was passed by the Scottish Parliament in May 2024, and received Royal Assent in July 2024. The Act gives local authorities in Scotland the power to introduce a Levy that is charged on the purchase of overnight accommodation at a percentage rate. It will be for each local authority to decide, through consultation, whether or not to introduce a Visitor Levy Scheme.
- 2.2 That Council agree that a proposal for an East Lothian Visitor Levy Scheme should be developed and in doing so engage with businesses and other key stakeholders regarding the proposed objectives and operation of such a scheme.
- 2.3 That Members note developed proposals would be brought back for review and further approval prior to full public consultation, and thereafter will be reviewed and presented to Council for a decision regarding implementation.

## **3 BACKGROUND**

- 3.1 Visitor levies or tourist taxes in various forms are common across Europe and around the world. Just under two-thirds of EU member states charge some kind of accommodation occupancy tax.
- 3.2 The customer is responsible for paying these types of taxes, while the accommodation facility is responsible for collecting and remitting them.
- 3.3 Tourist taxes are primarily in place to improve the local or regional visitor economy and/or develop the destination offering, for example via promotional activities, project delivery, or improvements to infrastructure and public services.

- 3.4 In Scotland, the Act requires a local authority operating a Visitor Levy Scheme to use the net proceeds for certain specified purposes – i.e. funds must facilitate the achievement of a scheme’s objectives and that they should be used to develop, support and sustain facilities and services for or used by visitors to a local authority area for leisure or business purposes.
- 3.5 This places parameters within which funding can be used, whilst recognising the importance of local decision-making by local authorities. Services that are used by residents as well as visitors could receive funding from a Visitor Levy, depending on the authority’s assessment of whether they are substantially used by visitors.
- 3.6 Each local authority will determine many of the elements of a scheme such as the percentage rate and the area where it applies.
- 3.7 A number of Scottish local authorities are developing proposals for Visitor Levy Schemes, including Edinburgh who are currently consulting on their [Draft Scheme](#).
- 3.8 COSLA have taken the view that the Visitor Levy represents a key development for Local Government, handing power back to communities, and providing local decision-makers with the power to raise revenue independently of the Scottish Government in a manner that directly responds to local needs and circumstances.
- 3.9 VisitScotland states that “the visitor levy adds an important dimension to the sector’s vision of being a world leader in 21st century tourism ... With the levy, local authorities now have the power to generate revenue specifically for the benefit of the visitor economy. If developed collaboratively between local authorities and businesses, a visitor levy scheme represents a unique and significant opportunity to deliver ... annual investment in the sector.”
- 3.10 The Association of Scottish Self Caterers’ Chief Executive has stated “Ensuring that monies raised are ringfenced for tourist infrastructure projects is vital to retaining industry confidence. Fair rates, thoughtful implementation, as well as careful attention to potential unintended consequences are also essential. Failure to take these steps could result in a tourism levy that erodes the very industry it is supposedly intended to support” (The Times 11/10/2024).
- 3.11 Definition of Overnight Accommodation
- 3.12 Under the Act, overnight accommodation is a room or area that is used by a visitor for residential purposes but is not their only or usual place of residence - it therefore does not apply to accommodation that is being used as someone’s only or usual place of residence.
- 3.13 The types of accommodation included within scope of the legislation are:
- i. Hotels
  - ii. Hostels
  - iii. Guest houses
  - iv. Bed and Breakfast accommodation
  - v. Self-catering accommodation
  - vi. Camping sites

- vii. Caravan parks
- viii. Accommodation in a vehicle, or on board a vessel, which is permanently or predominantly situated in one place
- ix. Any other place at which a room or area is offered by the occupier for residential purposes otherwise than as a visitor's only or usual place of residence.

3.14 Statutory Guidance

3.15 VisitScotland have developed the statutory guidance for local authorities in collaboration with the tourism industry, local authorities, and government, details can be found here [Visitor Levy Guidance](#). The weblink also provides guidance and FAQs for businesses.

3.16 National Consultation

3.17 At its August 2023 meeting, East Lothian Council agreed a [submission](#) to the Scottish Government's Visitor Levy Consultation. That response acknowledged the potential benefits of developing a Levy Proposal for East Lothian as well as some of the issues that would need to be considered when developing finalising the legislation.

3.18 During the passage of the Bill, ELC Officers were asked to provide input at the committee stage, and afterwards to the development of the Guidance. Further information on the various stages of the Bill can be found [here](#) and the collated responses to the consultation [here](#).

3.19 Timeline

3.20 An indicative timeline for the development of a Visitor Levy Scheme is included within the [Guidance](#) (Page 9), setting out a process of 2.5- 3 years to develop and implement a Levy. In an East Lothian context the three stages would be:

*Stage 1* - Engagement, development, and modelling (est. 12 months, Nov 2024 – Oct 2025)

*Stage 2* - Consultation (statutory min 12 weeks, Nov 2025 – Spring 2026)

*Stage 3* - Implementation (statutory min 18 months from Spring 2026)

The actual timeline for development will be reviewed and updated during Stage 1 of the project.

3.21 Stage 1 – Engagement, Development, and Modelling

3.22 At this time, Members are being asked to approve Stage 1 of the development process. It is expected that this will take a maximum of 12 months to complete in order to bring a completed draft Levy proposal to Council for approval prior to full consultation in the winter of 2025.

3.23 *Engagement* – In order that a robust and well understood Levy proposal can be brought forward, early engagement with local businesses, communities, and other stakeholders is important. This will also ensure that modelling of a Levy proposal, including any impacts or costs that may be borne by businesses are well understood, see page 16 of the Guidance.

3.24 *Development* – Development of a Levy proposal must include:

- a. An outline of the proposed scheme;
  - b. A statement about the objectives of the proposals, including how the authority intends to measure, and report on the achievement of those objectives;
  - c. An assessment of the impacts of the proposal in the authority's area; and
  - d. A statement about the cases or circumstances where a Visitor Levy will not be payable or may be reimbursed, a scheme outline, scheme objectives, and the impact of the scheme. See page 21 of the Guidance.
- 3.25 *Modelling* – forecasting the potential revenue from a Visitor Levy is an important process to help understand the viability of introducing a Levy, including being able to estimate the size of the expected receipts from specific types of accommodation providers.
- 3.26 Also important is assessing the impact the introduction of a proposed Levy at a given % rate may have on the price competitiveness of the visitor economy and local accommodation providers.
- 3.27 One-off and ongoing costs must also be accurately forecast, including the cost of developing a Levy proposal to completion, the ongoing costs associated with management, collection and enforcement, and the cost of administering national and local exemptions, see page 13 of the Guidance.
- 3.28 Survey of East Lothian Businesses
- 3.29 55 businesses took part in a snapshot survey in September/October 2024. Local businesses active in the visitor economy were asked questions regarding the new legislation, including to what degree they were supportive of it and what concerns they had about its introduction.
- 3.30 A wide range of types of business took part in the survey. Just over half (58%) were accommodation businesses, largely self-catering operators (72%), but also a range of other types of accommodation including hotels (18%), B&B/guesthouses (12%), a holiday park, caravan parks, and camping and glamping providers. The Council's contractor has provided an initial summary of themes.
- 3.31 The 47% of businesses who supported the legislation mentioned:
- Opportunities for investment in tourism and infrastructure, including Improved sustainable management of tourism
  - Enhanced visitor experience
  - Economic growth and investment
  - Alignment with international standards of investment
  - A need for fair and transparent implementation
- 3.32 The concerns raised by the 49% of businesses included who did not support included:
- Complexity and financial burden on businesses and visitors
  - A negative message and perceived unfairness to visitors
  - Competitive disadvantage and risk of reduced tourism demand
  - Impact on business viability
  - Need for transparency, clear benefits, and assurance

### 3.33 Survey of Visitors to East Lothian

3.34 The Council's regular visitor survey is currently ongoing, with completion due in early 2025. The survey includes questions relating to the Visitor Levy legislation. All online survey responses relating to the Levy legislation have been analysed, note the final survey result will include a larger dataset.

3.35 62% of visitors stated that they supported the introduction of this type of visitor Levy, 39% were in opposition, and 6% did not know. When asked if they would support a Levy if the money raised was "specifically ring fenced to only be spent on improving services, infrastructure, and facilities which benefit tourists visiting East Lothian", levels of support increased to 76% (163 respondents).

3.36 Most visitors stated that the implementation of a Levy would make no difference to their decision to visit East Lothian again in the future (68%) and 15% didn't know. 14% stated that they would be less likely to visit while 3% would be more likely to visit (265 respondents).

3.37 Reasons given by the respondents who stated that the introduction of a Levy would make them more likely to visit included:

- Expectation of improved services in the area and a general feeling of support for investment

3.38 Reasons given by those who indicated they would be less likely to visit included:

- Perceptions of high existing costs, including inflation and high travel costs
- Availability of alternative destinations without a Levy
- Scepticism over fund use and whether real improvement would be seen
- Negative past experiences with tourism taxes elsewhere, especially regarding transparency

3.39 It should be noted that both surveys are part of limited pre-engagement and fact finding in relation to the legislation specifically and to help inform the Council in relation to the question of whether to develop a proposal for consultation. Both surveys have demonstrated some support for the legislation and for an East Lothian Levy, but more usefully have highlighted concerns from businesses and visitors that will inform development and future detailed engagement with all stakeholders.

## **4 POLICY IMPLICATIONS**

4.1 Adoption of a Visitor Levy would result in the collection of a local tax based on the occupancy of visitor accommodation in East Lothian. Visitor Levy proposals will be developed and reported to Council in line with the indicative timeline noted in Section 3.19.

4.2 Approval of a Visitor Levy Proposal by Council in October 2025 would be followed by a 12-week (minimum) public consultation period prior to a final decision by Council in relation to implementation.

4.3 Following a decision to implement a Visitor Levy Scheme there is a statutory 18-month implementation period before the first date a Levy would be chargeable.

## 5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy. Developed Levy proposals would be subject to an assessment.

## 6 RESOURCE IMPLICATIONS

- 6.1 Financial – an East Lothian Visitor Levy may raise significant annual revenue for reinvestment in the local economy and in support of public services as outlined above. The modelling noted in Section 3.25 will help establish the potential.
- 6.1.2 Development of proposals requires a staff resource as well as funding for research and other costs. Funds within the Transformation Reserve will be made available to support development of a proposal if the recommendations are agreed by Council. Implementation costs are as follows: £92,000 for Stage 1 (as outlined in Section 3.21-3.27), which will include the development of budget costs for subsequent stages.
- 6.1.3 Implementation of a Levy would require a resource to manage collection, exemptions, and enforcement. These administrative costs can be deducted from the gross Levy collected. Establishing these costs will be included in the development of proposals. A subscription-based national collection and management system is being developed by the Improvement Service, which is expected to reduce the development cost of individual local Levy schemes whilst making it more straight forward for businesses across Scotland to remit Levy funds to individual local authorities through a single portal.
- 6.2 Personnel – staff resources will be required to develop and administer a Levy, see notes above.
- 6.3 Other – none.

## 7 BACKGROUND PAPERS

- 7.1 ELC response to the Visitor Levy (Scotland) Bill Consultation 2023 [LINK](#)
- 7.2 VisitScotland Visitor Levy Guidance [LINK](#)
- 7.3 Visitor Levy (Scotland) Act 2024 [LINK](#)
- 7.4 Edinburgh Council Visitor Levy Proposed Scheme [LINK](#)

<b>AUTHOR'S NAME</b>	Jamie Baker
<b>DESIGNATION</b>	Service Manager, Economic Development
<b>CONTACT INFO</b>	<a href="mailto:jbaker@eastlothian.co.uk">jbaker@eastlothian.co.uk</a>
<b>DATE</b>	13/10/2024

**REPORT TO:** East Lothian Council

**MEETING DATE:** 29 October 2024

**BY:** Executive Director for Place

**SUBJECT:** Former Cockenzie Power Station Site Technical Appraisal

6

---

## 1 PURPOSE

- 1.1 To introduce the outputs of the Technical Appraisal process undertaken for the former Cockenzie Power Station Site and seek authority to undertake community engagement to get feedback on the outputs.

## 2 RECOMMENDATIONS

- 2.1 That Council is asked to:
- Note the Stantec Technical Appraisal Report (available in the Members' Library, Ref: 129/24, October 2024 Bulletin: [Agendas, reports and minutes | East Lothian Council](#));
  - Agree that officers engage with the local communities on that Technical Appraisal Report and then report on feedback; and
  - Agree that officers engage in further commercial engagement and marketing of the site.

## 3 BACKGROUND

- 3.1 An update report on the Cockenzie Power Station site was presented at Council on 28 June 2022. Paragraph 3.15 sets out the need appoint consultants to “consider the development potential of the site as a whole and identify constraints and necessary core infrastructure to divide the site into development parcels. It is anticipated that the infrastructure and development parcels will be as flexible as possible, at this early stage, before the likely land uses are known and understood”. Council agreed the recommendation to undertake this.

- 3.2 Procurement of the consultants was undertaken in spring 2023 and a report to Council on 27 June 2023 provided an update on this. Paragraph 3.11 stated that what was being procured was “different from the 2017 masterplan in that it will set out how the site could be technically and physically redeveloped for economic uses rather than high level vision and options for site uses. Its purpose will be to identify the potential constraints to development and devise a suitable internal road network and potential servicing routes, so that the site can be divided into a series of development land parcels and appropriate landscaped areas. It is intended that this will provide a flexible development structure for the site, allowing land parcels to be consolidated for a larger user or divided for smaller use types. This reflects the fact that the aspiration for employment investment could encompass industrial, office, distribution, or other use types as well as public realm improvements.”
- 3.3 It had been anticipated that this Technical Appraisal would have reached a stage to made available to Councillors earlier. However, progress had to be delayed to factor in whether the 90% UK Government funded enabling works, involving removing the earthwork bunds surrounding the coal store (Planning Ref: 24/00324/PM) were going to be funded and permission granted. Those works were consented by Planning Committee at the end of June 2024 and commenced at the beginning of September, together with the East Lothian Council-funded link road (Planning Ref: 22/00440/P).
- 3.4 Stantec, the appointed consultant, commenced work on the appraisal in autumn 2023, with workshops held with external key agencies and Council departments to gather information on the site as well as initial feedback on some of the outputs under construction.
- 3.5 The Technical Appraisal produced by Stantec has been published in the Members’ Library ([Agendas, reports and minutes | East Lothian Council](#)). As per above, it is important to clarify what this is and what it isn’t given the potential for misinformation with visual documents. The appraisal is not a draft Council strategy or plan. It is independent advice to the Council that could then inform future plans, programmes and strategies. It has no formal status and cannot be referred to in the determination of future planning applications. The purpose of it is as advice as a possible development strategy as to how the site could be come forward as a high-quality setting for economic development. The mission section of the appraisal sets out that the main building blocks of that strategy are:
- Building on East Lothian Council’s (ELC’s) strategy for economic development within Cockenzie and the wider region;
  - Harnessing the unique advantages of the site to drive forward ELC’s strategy for employment growth and job creation;
  - Deliver an exemplary appraisal and layout which is in keeping with local and national policy, including National Planning Framework 4 (NPF4);

- Provision of a high-quality industrial/business park with the flexibility to respond to market demand and future needs;
- Marketable development areas that can be viable and which are suitably accessed, serviced and take cognisance of local constraints;
- Development areas set within an attractive landscape setting that respects cultural and natural heritage assets and provides a significant open space network offering significant biodiversity net gain;
- A utilities and servicing strategy focused on the integration of a comprehensive green and blue infrastructure network as part of a strategy for significant ecological enhancement;
- Encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change and the proposals resilience to them;
- Provision of local community benefits within significant open spaces, alongside new and enhanced public amenity areas, the form of which can be informed by the community itself; and
- An accessible and sustainable employment location and community assets with the opportunity to strengthen local walking and cycle path connections and encourage active travel.

3.6 It is not the purpose of this report to summarise the detail in the content of the appraisal. However, a short summary and highlight of key points is as follows: the appraisal is structured into 7 chapters. Following an introduction, chapter 2 sets out the context of the site, including its constraints and current planned developments, which then frames the development potential of the site for both community and economic developments as well as access, biodiversity and greenspace enhancement. A key factor in that initial context is the topography of the former coal store part of the site, where there is a 16m difference in levels falling from south to north that will result in the requirement for development platforms.

3.7 Chapter 3 sets out what are referred to foundation components of the technical appraisal. The former power station site is identified as a single developable plot of circa 8ha, this to be access and serviced from the Edinburgh Road.

3.8 Development of a southern plot would include a platformed coal store site bounded in the north by the link road and the south by the coal rail link and would be circa 21ha. Given the level differences and to avoid significant costly level raising, it is recommended that this area be formed into development platforms dropping in height with the surrounding landform. A greater number of development platforms would reduce the building sizes that could be developed and therefore the flexible potential for the site. This area has no services and therefore it is recommended that a services strip be created down the western side of the site along with a

separate access road that could allow each individual platform to be accessed.

- 3.9 A secondary ranked area of development potential could be to the south of the Edinburgh Road of circa 1.85ha. Note that that area was not included for development in the 2017 Masterplan and may be controversial. The chapter also contains sections on utilities, drainage options and active travel.
- 3.10 Chapter 4 sets out advice on design guidance for the build form for future development of the site and where over half of the site would be open space. The built form factors in topography to inform potential building heights. Sections are also included indicating access, layouts, and building appearance. The section on layout states that the uses listed are based on building sizes and don't represent any preferred use of the site but what sizes of buildings they typically have.
- 3.11 Chapter 5 sets out design guidance for the significant areas of open space that could be enhanced to support the development of the wider site. This includes biodiversity enhancement through a series of connected networks and a significant public realm enhancement along the John Muir Way. A community market/event space is considered along the eastern edge of the power station site. Sections are included on sustainability, public space, drainage, play and public art.
- 3.12 Chapter 6, an Options Summary, looks to synthesise the aspects of the previous chapters to set out two broad layouts for the site. Note that there are many more potential layout combinations from the content of the previous chapters. However, they do highlight that potential up to circa 300,000 sq ft of floorspace could be accommodated on the northern site and circa 700,000 sq ft of the southern site. Again, this could be less or more, depending on uses, which could include community aspirations. What is presented is a flexible approach which can respond to future needs, market conditions and circumstances. The chapter concludes with high level costing estimates for some of the access and sustainable drainage infrastructure required for the site. We are working with Stantec to gather further information on servicing costings.
- 3.13 Chapter 7 is a short section on how development of the site could be phased, with chapter 8 as a conclusion. It concludes that key next steps include:
- Marketing of the site;
  - Determining an investment programme for servicing the site; and
  - Developing the open space and biodiversity guidance for the site.
- 3.14 Whilst this is technical advice to the Council as landowner from experienced consultants, it was set out at the start of the process that we would look to engage the surrounding communities of Prestonpans, Cockenzie and Port Seton on the outputs of the process. Whilst not a

formal planning consultation, officers would propose meeting with community representatives, as well as making the documents available online for the submission of feedback on its content. Details are being worked up with consultants Stantec, who will be part of that process. It is then proposed that feedback would be reported back to Council in early 2025.

- 3.15 It is proposed to use the appraisal to continue engagement with UK and Scottish Governments and associated agencies such as Scottish Enterprise on the redevelopment of the site. The appraisal and feedback would also be used to market the site to potential investors and developers. It should be noted that the site's potential will be featured on the Invest East Lothian website. The appraisal and feedback will also be used to inform emerging policy for the site in the preparation of LDP2 over 2025 and business case options for future redevelopment of the site. This will need to factor in the scale and availability of investment that will be required and any feedback and interest from the marketing process.

#### **4 POLICY IMPLICATIONS**

- 4.1 None. This is advice to Council and not deciding policy.

#### **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The appraisal is advice to the Council rather than a Council, plan, strategy or development. Therefore, an integrated impact assessment to engage communities on that external advice is not required.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – the appraisal has already been budgeted for in 23/24 and 24/25 capital budgets.
- 6.2 Personnel - none.
- 6.3 Other – none.

#### **7 BACKGROUND PAPERS**

- 7.1 Report to June 2022 Council – Cockenzie Former Power Station Site: Progress Update and Actions – [https://www.eastlothian.gov.uk/download/meetings/id/23098/05\\_cockenzie\\_former\\_power\\_station\\_site\\_progress\\_update\\_and\\_actions](https://www.eastlothian.gov.uk/download/meetings/id/23098/05_cockenzie_former_power_station_site_progress_update_and_actions)

- 7.2 Report to June 2022 Council – Cockenzie Levelling Up Funding Bid  
[https://www.eastlothian.gov.uk/download/meetings/id/23099/06\\_cockenzie\\_levelling\\_up\\_funding\\_bid](https://www.eastlothian.gov.uk/download/meetings/id/23099/06_cockenzie_levelling_up_funding_bid)
- 7.3 Report to June 2023 Council – Cockenzie Former Power Station Site Update  
[https://www.eastlothian.gov.uk/download/meetings/id/23908/08\\_cockenzie\\_former\\_power\\_station\\_site\\_-\\_update](https://www.eastlothian.gov.uk/download/meetings/id/23908/08_cockenzie_former_power_station_site_-_update)
- 7.4 Stantec Technical Appraisal Report: Members’ Library, Ref: 129/24, October 2024 Bulletin: [Agendas, reports and minutes | East Lothian Council](#)

<b>AUTHOR’S NAME</b>	Ray Montgomery
<b>DESIGNATION</b>	Head of Development
<b>CONTACT INFO</b>	gmarsden@eastlothian.gov.uk
<b>DATE</b>	14 October 2024

**REPORT TO:** East Lothian Council  
**MEETING DATE:** 29 October 2024  
**BY:** Executive Director for Council Resources  
**SUBJECT:** Appointment to the Post of Head of Corporate Support

---

7

## **1 PURPOSE**

- 1.1 To advise Council of the decision of the Chief Officer and Head Teacher Appointments Sub-Committee to appoint Hayley Barnett to the post of Head of Corporate Support, encompassing the role of Monitoring Officer.

## **2 RECOMMENDATIONS**

- 2.1 To note the decision of the Chief Officer and Head Teacher Appointments Sub-Committee to appoint Hayley Barnett as Head of Corporate Support;
- 2.2 To advise Council that following receipt of satisfactory pre-employment checks Hayley Barnett was offered the post and commenced employment with the Council on 2 September 2024;
- 2.3 To note the minute of the Chief Officer and Head Teacher Appointments Sub-Committee held on 5 June 2024 for the appointment of the Head of Corporate Support (Appendix 1); and
- 2.4 To approve the appointment of Hayley Barnett to the statutory post of Monitoring Officer, with effect from 30 October 2024.

## **3 BACKGROUND**

- 3.1 An external recruitment campaign to recruit to the vacant post of Head of Corporate Support post ran from Friday 19 April until Sunday 6 May 2024. Twenty-nine applications were received. Six of which were taken to final interview stage.
- 3.2 A cross-party Chief Officer and Head Teacher Appointments Sub-Committee was established in accordance with Council's Standing Orders and charged with making an appointment to the permanent post of Head of Corporate Support. The Sub-Committee comprised:

Cllr Norman Hampshire (Convenor)  
Cllr Shamin Akhtar  
Cllr Lyn Jardine

- 3.3 The Sub-Committee was advised throughout by Council officials Monica Patterson, Chief Executive; Sarah Fortune, Executive Director for Council Resources; and Paul Ritchie, Service Manager – People and Council Support. Raymond Kelly from Solace in Business provided independent advice. Solace in Business provided additional independent advice throughout the recruitment campaign, candidate selection and the candidate interview process.
- 3.4 The Sub-Committee met on 16 May 2024 to consider applications received and the shortlisting recommendations that had been made by Solace in Business. Seven candidates were selected for shortlisting and an Assessment Day was arranged for Wednesday 22 May 2024.
- 3.5 The candidates completed a series of online psychometric tests and during the Assessment Day they undertook a technical interview with the Chief Executive, Executive Director for Council Resources and Service Manager – People and Council Support. An outcome-based report on the candidates' overall performance was prepared by Solace in Business. The report was shared with and discussed by the Sub-Committee prior to the formal interviews on 5 June 2024 to help inform its decision making.
- 3.6 The final competency-based interviews took place on 5 June 2024. The candidates were required to present a pre-prepared presentation to the Sub-Committee at the beginning of their formal interviews. Thereafter, the candidates were asked a number of pre-set competency-based interview questions.
- 3.7 Following the interviews, taking full account of the candidates' individual performances in relation to the competency-based interview and presentation along with the feedback from the Assessment Day, the Sub-Committee determined that Hayley Barnett was the preferred candidate for the post of Head of Corporate Support.
- 3.8 The relevant pre-employment checks were carried out and found to be satisfactory, following which a formal offer was made to Hayley Barnett which she formally accepted. Ms Barnett took up the post on 2 September 2024. A minute of the meeting of the Sub-Committee which conducted the interviews for the post on 5 June 2024 (Appendix 1) is presented for noting.
- 3.9 It is proposed that Ms Barnett is appointed to the statutory role of Monitoring Officer, with effect from 30 October 2024.

#### **4 POLICY IMPLICATIONS**

- 4.1 None

## **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

## **6 RESOURCE IMPLICATIONS**

- 6.1 Financial - None  
6.2 Personnel – None  
6.3 Other - None

## **7 BACKGROUND PAPERS**

- 7.1 None

<b>AUTHOR'S NAME</b>	Paul Ritchie
<b>DESIGNATION</b>	Service Manager – People and Council Support
<b>CONTACT INFO</b>	prtichie@eastlothian.gov.uk
<b>DATE</b>	24 September 2024

**MINUTES OF THE MEETING OF THE  
CHIEF OFFICER AND HEAD TEACHER APPOINTMENTS SUB-COMMITTEE  
For the Post of  
HEAD OF CORPORATE SUPPORT**

**Held on 5 June 2024 in John Muir House**

**Chief Officer and Head Teacher Appointments Sub-Committee:**

Councillor Norman Hampshire (Convenor)

Councillor Shamin Akhtar

Councillor Lyn Jardine

**In Attendance:**

Raymond Kelly, Solace in Business, External Independent HR Adviser

**Council Officials:**

Monica Patterson, Chief Executive

Sarah Fortune, Executive Director – Council Resources

Paul Ritchie, Service Manager – People and Council Support (HR Adviser)

Candidates began their interview by giving a ten-minute presentation to the Sub-Committee. The topic was ‘Aligned to most public bodies, the organisation is currently going through a period of significant change in order to shape the delivery of services for the future. How would you lead your services to support this objective, taking into consideration the organisational culture of enabling, leading and caring at East Lothian Council.’ This was followed by a series of set competency-based questions from Sub-Committee members.

At the end of the formal interviews the Sub-Committee discussed the relative merits of the candidates with assistance from Raymond Kelly and the officers present. The Sub-Committee scored the candidates. Hayley Barnett scored highest and was accordingly declared to be the preferred candidate.

The Service Manager – People and Council Support explained that the usual pre-employment checks on the preferred candidate would be carried out prior to formal offer being made.

**REPORT TO:** East Lothian Council

**MEETING DATE:** 27 August 2024

**BY:** Executive Director for Council Resources

**SUBJECT:** Work of Council Champions 2023/24

---

**8**

**1 PURPOSE**

- 1.1 To advise Council of the work of the Council Champions during the previous 12 months.

**2 RECOMMENDATIONS**

- 2.1 To note the work of Council Champions in 2022/23;
- 2.2 To consider whether there are any additional areas that would benefit from the appointment of a designated Champion.
- 2.3 To agree that future reports on the work of Council Champions will be submitted annually to the Members' Library.

**3 BACKGROUND**

- 3.1 At its meeting on 28 June 2022 and 23 August 2022, the Council appointed a number of Elected Members to act as Champions for specific sections of the community or ranges of activities. Those Champions were as follows:

Enterprise – Councillor Bennett

Older People – Councillor McFarlane

Voluntary Sector – Councillor McGinn

Armed Forces and Veterans – Cllr McMillan

Young People – Councillor Ritchie

- 3.2 The purpose of the Champions is to act as a positive focus for the local community at Elected Member level in respect of the relevant section of the community or range of activities so as to ensure that full

consideration is given to the impact of Council activities and decisions upon that section of community or range of activities. The role profile for Champions, agreed by Council, required an annual report be prepared on the work undertaken for consideration by Council.

- 3.3 The work undertaken by the Champions is set out Appendix 1 to this report. In addition to consider the work undertaken by the existing Champions, Council is asked to consider whether there are any additional groups of the community or areas of activity that would benefit from the appointment of a designated Champion.

#### **4 POLICY IMPLICATIONS**

- 4.1 None.

#### **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial - none  
6.2 Personnel - none  
6.3 Other - none

#### **7 BACKGROUND PAPERS**

- 7.1 Appendix 1 – Work undertaken by Champions 2023/24

<b>AUTHOR'S NAME</b>	Carlo Grilli
<b>DESIGNATION</b>	Service manager, Governance
<b>CONTACT INFO</b>	Ext 7770
<b>DATE</b>	7 October 2024

## **Appendix 1**

### **WORK UNDERTAKEN BY COUNCIL CHAMPIONS 2023/24**

#### **Councillor Bennett – Champion for Enterprise**

It has been a privilege to serve another year as the Council's Champion for Enterprise. Throughout this last year, I have supported the Council's new Economy Strategy, which was endorsed by Council after an extensive consultation period with key partners and stakeholders, within and outwith East Lothian, including the Connected Economy Group, Scottish Enterprise and VisitScotland.

I want to acknowledge the efforts of and express my thanks for our Economic Development and Tourism Team for their continued hard work, such as their collaboration with East Lothian Food and Drink BID and for organising the East Lothian Business week, when Council services made themselves available for work and collaboration with local businesses on issues that matter to them, assisting in promoting understanding of the Council's role and contributions and enabling success.

I was pleased to see East Lothian Investments continue to offer its unique lending support and to offer a prize for 'Young Entrepreneur' which they will announce soon. East Lothian Land continues to work with business and Estates colleagues to seek opportunities for inward investment following the success of the Brewery Park, Haddington model.

Major developments at QMU, such as the Food and Drink Innovation Hub, ongoing preparatory work at Cockenzie, and proposals at Blindwells as well as various projects throughout the county will be a base for entrepreneurialism and innovation in East Lothian.

I have attended the COSLA Economy and Environment Group and have worked alongside constituents who sought to set up and grow their businesses within East Lothian.

I look forward to continuing to grow in my role and work throughout the next year to encourage enterprise in the county.

## **Councillor McFarlane – Champion for Older People**

Over the last year I have attended Tea Dances at North Berwick Rugby Club run by Aging Well and by volunteers who provide respite for carers and give stimulation and pleasure to dementia sufferers and people with brain injuries. The music and movement during these sessions stimulate speech and memory.

I have also attended meetings and taken part in planning Older People's Services in East Lothian. The group involved with planning have engaged directly with 702 people, including community groups, Area Partnerships, members of the public, people with lived experience, staff groups, professional leads, carers, volunteers, medical professionals, third sector and independent advocacy organisations.

I attended an event staged in Blackadder Church, North Berwick hosted by Aging Scotland where information was provided on care and repair, housing options, health and social care and carers of East Lothian.

I also arranged a meeting with David Ferrier, who is chairperson of the trustees of East Lothian Day Centres. We discussed the work that Day Centres contribute to. It was agreed that older people's day centres have a key role in promoting independence and confidence in older people with complex needs and their carers by making local centres accessible and supportive.

I attended a business meeting at Haddington Day Centre to discuss the financial aspects of running these centres and the additional costs involved in leasing their premises.

I was invited to attend an event at the Scottish Parliament in order to take part in Generations Working Together (GWT) which focussed on intergenerational learning, ageism and community engagement. The information was provided that East Lothian already encouraged nursery visits to Day Centres and that volunteers from local high schools help and engage with older people in Day Centres and Care Homes.

## **Councillor McGinn – Champion for the Voluntary Sector**

*“Volunteering is at the very core of being a human. No one has made it through life without someone else’s help.” – Heather French Henry*

What a fantastic perspective on life and what it means to be a volunteer. If you think about it, we have all at some point had someone come into our lives who was a volunteer.

The work in hospitals of the RVS, Macmillan volunteers, our in-bloom groups or the Guides, BBs and the Scouts: all groups run by volunteers across the county supporting our families every single day.

Over the past year I have once again been given the opportunity to spend some time with many such groups and individuals across East Lothian and have heard some wonderful and inspiring stories about what it is to be a volunteer.

Home-Start East Lothian are committed to promoting the welfare and supporting young families in East Lothian and was delighted to be invited along to a volunteers evening in the Fraser Centre Tranent. My curling skills left a lot to be desired but the opportunity to spend time with new volunteers was simply delightful.

The launch of Fa’side Community Kitchens Annual Report was another inspiring event. I was invited along to say a few words in my role as Cabinet Spokesperson, but, if truth be told, I was delighted to be once again in the heart of volunteering in my community.

Fa’side Community Kitchen (FCK) was formed in February 2021, growing from the response during the pandemic to a permanent fixture in our community. Again, I was delighted to hear the stories and witness the real impact FCK has on our community.

Recently, alongside colleagues, I have engaged with Lily’s Ormiston, a Community Interest group set up to benefit members of the local community of Ormiston. They are passionate about tackling food insecurity and reducing food waste in the village and have some fantastic plans that will allow their impact to grow. My role has been engaging with Council officers to support this venture and seek out opportunities to support Lily’s as they grow. I am very excited about what can be achieved working across the voluntary sector and the Council which will allow us to support the most vulnerable across the county. More about Lily’s Ormiston next year, I hope!

A personal highlight was in early summer as part of volunteers’ week was attending VCEL’s Inspiring Volunteering Awards ceremony. You could hear a pin drop when we heard some remarkable stories about our volunteers such as Benjamin Brown, a young man who has given his time to support and engage other young people running the Dungeons and Dragons and Pokémon Club, his impact on his peers is simply wonderful.

And who could forget our Volunteer of the Year, Malcolm Fairgrieve. Malcolm's volunteering at Macmerry Miners Welfare & Community Hub, Roots & Fruits charity and other key initiatives outlines what it means to be community volunteer of the year.

You simply cannot come away from these events without bursting with pride at the selfless devotion volunteers have for others in their communities.

Building our communities is a responsibility we all have an equal share in. However, I am 100% convinced we could not do so without our wonderful volunteers and on behalf of East Lothian Council I would simply wish to say THANK YOU.

"Be kind, and remember, integrity is doing the right thing even when no one is watching."

## **Councillor McMillan – Champion for Armed Forces and Veterans**

I have been privileged to continue in the Veterans Champions role.

Attendance at various regional and national meetings attended by the Scottish Government Minister with responsibility for Veterans and attended by Scottish Parliament officers as well as representatives from charities and organisations and other Champions from across many areas keep me informed on issues and available resources to support our East Lothian Veterans.

I particularly note the contributions of Poppy Scotland, Linburn and SSAFA, and RAF Benevolent Association. I have also worked with WRNS local association and Commonwealth War Graves Commission during the year.

It is important for me to emphasise the ongoing and 'live' contributions that so many former members of our armed forces make to our economy locally with the skills and competences they gained whilst serving in our force, and now deploy in their new lives and careers.

Many also contribute to our communities through their voluntary work and organise Veteran Breakfast and Meetings in the Hollies in Musselburgh and at Royal British Legion premises in Prestonpans and Dunbar, where excellent support, fellowship and companionship is offered to those attending, maintaining many strong links and solid networking. A Veterans Group is emerging in North Berwick. I have been honoured to attend meetings and to see that fine work these groups do. It has been particularly rewarding this year to see volunteers acknowledged by local community awards and by East Lothian Courier. It was good to welcome representatives to our June Armed Forces Day.

East Lothian Council was awarded Gold Covenant status, working with advisers from the Forces and ensuring we reach and maintain the highest recognised standards in our dealing with Veterans, Reservists and Cadets. Much credit for this recognition goes to Sharon Saunders and Stephanie Kerr, now replaced by Caroline Rodgers and Toby Renouf, ably supported by Joanne Allen and the commitment of our Chief Executive.

Recently, I held a meeting with Mr Jim Wilson who is the Veterans Commissioner, who had prepared an analysis of the number of veterans in our county by age, and to discuss with him the number of those of working age and whether they were in work.

We also discussed the main issues raised by the veteran population in East Lothian and agreed these were housing, health and employment – reflected in feedback and the number of cases brought to me by constituents. I shall prepare a short report on the Commissioner's analysis and submit it to the Members' Library but would welcome discussion with any member or Group.

## **Councillor Ritchie – Champion for Young People**

It has been an absolute privilege to serve as the Young Person's Champion again this year and I look forward to my continued work in this role in the year ahead.

Throughout this year I have taken every possible opportunity to raise issues on behalf at Council meetings, as well as asking questions around the role of youth voice in our local democratic processes, particularly in light of the UNCRC Incorporation Act.

I have raised the views of young people who have reached out to me on key issues, including on the Nature Emergency, and have raised questions around positive destinations and opportunities for all young people, and other important issues like housing and having things to do in their communities.

I have participated in local youth fora, and discussed key issues with our incredible MSYPs. I have also worked alongside member colleagues and officers to support youth work and engagement across East Lothian.

Next year I am seeking to set up surgeries specifically for young people to attend, and I would welcome the opportunity to work cross-ward and cross-party on this opportunity. It is so important that young people feel they can access and participate in their Council.

I'm grateful to all the young people I have had the pleasure of working with in this role this year, and to all the council staff and local organisations and volunteers who work so hard to support our young people.

**REPORT TO:** East Lothian Council  
**MEETING DATE:** 29 October 2024  
**BY:** Executive Director for Council Resources  
**SUBJECT:** Cross-party Group on Climate Change and Sustainability

---

9

## **1 PURPOSE**

- 1.1 To seek Council approval to the membership of the cross-party Climate Change and Sustainability Forum.

## **2 RECOMMENDATIONS**

- 2.1 To agree the additional change to the membership of the group to allow substitutes to attend.

## **3 BACKGROUND**

- 3.1 In August 2023, Council agreed to establish a cross-party Climate Change and Sustainability Forum. This forum had no specific decision-making powers and is not part of the Council's formal Scheme of Administration but was intended to support political oversight on the delivery of the Council's Climate Change Strategy.
- 3.2 The membership of the group was agreed to include the following representation and is supported by members of the Council Management Team:
- Green Party Member (Chair)
  - Council Leader
  - Depute Leader
  - Cabinet Spokesperson for Housing & Property Maintenance
  - Leader of the Opposition
  - Leader of the Conservative Group

- 3.3 It is proposed that the membership will remain under review and be extended to allow substitute members to attend from relevant political groups when substantive members are unable to attend.
- 3.4 The role and remit of the group will remain under review.
- 3.5 Members will be kept updated on discussions within the forum, with any decisions on any policy areas discussed at this forum taken in the relevant Committee aligned to the Council's Scheme of Administration.

#### **4 POLICY IMPLICATIONS**

- 4.1 None

#### **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial - None
- 6.2 Personnel – None
- 6.3 Other - None

#### **7 BACKGROUND PAPERS**

- 7.1 None

<b>AUTHOR'S NAME</b>	Sarah Fortune
<b>DESIGNATION</b>	Executive Director for Council Resources
<b>CONTACT INFO</b>	sfortune@eastlothian.gov.uk
<b>DATE</b>	14 October 2024

**REPORT TO:** East Lothian Council  
**MEETING DATE:** 29 October 2024  
**BY:** Executive Director for Council Resources  
**SUBJECT:** 2024 East Lothian Residents Survey

---

**1 PURPOSE**

- 1.1 To present a summary of the main findings of the 2024 East Lothian Residents Survey.

**2 RECOMMENDATIONS**

It is recommended that the Council:

- 2.1 Note the main findings of the 2024 Residents Survey presented in this report.
- 2.2 Note that the findings of the survey will be used by the Council and Community Planning Partners to inform the development of future strategies and plans, including the development of budget proposals.

**3 BACKGROUND**

- 3.1 The overarching goal of the 2024 East Lothian Residents Survey was to gather feedback on a broad range of topics that affect the daily lives of East Lothian residents, providing a comprehensive view of local satisfaction. Research Resource were commissioned to conduct the survey, with the approach and methodology similar to that used in 2021.
- 3.2 The 2024 survey was distributed to a representative sample of 10,000 East Lothian residents through both paper and online formats. Each selected household received a paper questionnaire along with a pre-paid reply envelope, and respondents could alternatively complete the survey online via a QR code or a provided link. The survey collected 1,709 completed responses, 181 of which were submitted online.

- 3.3 To ensure a representative sample, addresses were selected randomly from East Lothian's multi-member wards and Scottish Index of Multiple Deprivation (SIMD) zones. This approach resulted in a higher proportion of older residents and, as a result, data was weighted by age and ward to correct for these demographic imbalances, leading to a final weighted sample of 1,636 respondents. The survey was open from 10 April to 31 May 2024.
- 3.4 The questions were designed to establish the public's views on general and specific aspects of life in East Lothian, and guide future Council strategies, plans and, indeed, Council budget decisions. In addition, the questions were also designed to inform the Council and Community Planning Partners of public views and perceptions. The survey findings are of potential use to individual Council services and partner organisations. The ward-level data will be very useful to Area Partnerships as they review and revise their Area Plans. The key findings from the survey are set out below, with a full report available in Members' Library (Ref: 131/24, October 2024 Bulletin: [Agendas, reports and minutes | East Lothian Council](#)).

### **Perceptions of the Council and Public Services**

- 3.5 When asked their opinions on East Lothian Council, respondents were most likely to agree that they would like to be more involved in the decisions the Council makes that affect the local area (49%), that the Council does the best it can with the money available (40%) and that the Council provides high quality services (40%).
- 3.6 Respondents were most likely to disagree that they can influence decisions affecting the local area (49%) and that the Council is good at listening to local people's views before it takes decisions (52%).
- 3.7 All respondents were asked how satisfied or dissatisfied they were with various public services provided in East Lothian. The majority of respondents were in general either very or fairly satisfied with the services provided, and satisfaction levels were highest regarding:
- Pharmacy (80% very or fairly satisfied)
  - Parks, gardens and open spaces (73%)
  - Local bus services (62%)
  - Optometry/opticians (62%)
- 3.8 On the other hand, the proportion of respondents who were dissatisfied (either very or fairly dissatisfied) was highest with regards to:
- Roads maintenance (75% very or fairly dissatisfied)
  - GP services (46%)
  - Waste and recycling services (41%)
  - Street cleaning (39%)

## **Council Priorities and Budget Options**

3.9 The survey included a question which asked how acceptable various options for doing things differently or making savings would be on a scale of 1 to 6, where 1 was unacceptable to 6 was acceptable. Most highly rated as being acceptable were:

- Focus on early intervention and prevention – taking action as soon as possible to tackle social problems before they become more difficult to turn around (48% giving a rating of 6 – acceptable)
- Target resources to areas and people in greatest need (30%)
- Identify those services we should stop providing (29%)
- Asset rationalisation – reduce number of buildings/offices operated by the Council by rationalising services in fewer ‘service hubs’/transfer under-used buildings to communities to be used as venues run by the community (29%).

3.10 On the other hand, options which had the highest proportions stating they were unacceptable were:

- Increase charges for Council services which are currently charged for whilst continuing to provide discounts for certain disadvantaged groups (26% giving a rating 1 – unacceptable).
- Introduce charges for services that are currently free on the principle of ‘the user pays’, whilst providing discounts for certain disadvantaged groups (25%).

3.11 It was explained to respondents that the Council is having to make hard choices to balance its budget. Respondents were asked what should be reduced to make savings or should be protected from cuts. The services which the majority of respondents felt should be reduced to make savings were:

- Providing free instrumental music tuition (65%)
- Providing discounts for empty business premises (59%)

3.12 On the other hand, services with the highest proportion of respondents (over 9 in 10) stating they would like to see protected from cuts were:

- Maintaining roads and pavements (97%)
- Supporting older people, e.g. care at home and care homes (95%)
- Supporting young people to gain employment, training or access to further education (94%)
- Maintaining existing staffing levels within schools (93%)
- Supporting the provision of sports and leisure facilities (91%)
- Youth work to reduce anti-social behaviour (91%)

- 3.13 It was explained to respondents that Council Tax has been frozen for 2024/25. Respondents were asked whether they would support an increase to the Council Tax charge in April 2025 and subsequent years in order to protect Council services. Respondents were told that every 1% increase to the Council Tax charge equates to a weekly increase of £0.28 for an average property in East Lothian. The majority of respondents said they would support an increase in their Council Tax (61%), with respondents being most likely to support an increase of less than £3 per week (41%). Just over a third of respondents (35%) said they would be opposed to an increase on their Council Tax and 4% were unsure.

### **Use of the Internet and Contacting the Council**

- 3.14 When asked about the activities that they do online, the most common responses were sending emails (87%), online banking (84%) and looking for information (83%).
- 3.15 Respondents were asked about the contact methods they use to get in touch with the Council in different circumstances:
- To get information about a service: 62% said they prefer to do this via the website (up from 37% in 2021), 50% would prefer to phone and 48% email.
  - To request a service/report a repair or fault: 65% would prefer to do this by phone, 49% would prefer to use the Council website (up from 25% in 2021) and 49% would prefer to do this by email (up from 24% in 2021).
  - To pay a bill or Council tax: 67% would prefer to do this via the Council's website (up from 55% in 2021).
- 3.16 In terms of usage of the Council's website, the most common uses were to look for contact numbers for the Council (56%), to pay a bill (47%) and to find out more about Council services (46%). On the other hand, 15% said they did not use the Council website. The use of the Council website has resulted in increases in areas such as paying a bill (increasing from 28% to 47%), reporting a problem/ repair (increasing from 14% to 33%) and to lodge a complaint/ compliment (increasing from 16% to 24%).

### **Neighbourhood and Quality of Life**

- 3.17 The majority of residents (93%) rated their neighbourhood as a very or fairly good place to live. This has not changed significantly from 2021 (94%).
- 3.18 Just over half of respondents (51%) said their local neighbourhood had stayed the same over the last three years, compared to 12% who said it has got a little or much better and 33% who said it has got a little or much worse.

- 3.19 Almost all respondents (95%) rated East Lothian as a very good (52%) or fairly good place to live (43%). While the combined percentage of respondents stating East Lothian is a very or fairly good area has not changed significantly compared to previous years, the proportion who rated East Lothian as a very good place to live has decreased from 71% in 2019 to 60% in 2021 and again to 52% in 2024.
- 3.20 The top three priorities for neighbourhood improvement were road and pavement repairs (75%), health services (55%) and activities for teenagers (33%). The proportion of respondents stating road and pavement repairs as a priority for improvement has increased from 53% in 2021.

### **Community Safety**

- 3.21 The majority of respondents (77%) said they did not feel threatened by crime at all (22%) or not very much (55%). 19% said they felt threatened by crime in their neighbourhood a fair amount and 3% said they felt threatened a great deal.
- 3.22 Almost three quarters of respondents (72%) said that they felt safe when walking alone in their local area after dark. When asked what makes them feel safer, the most common response was seeing police officers in the community (69%).
- 3.23 The vast majority of respondents (90%) have not visited their local police station in the last year.
- 3.24 It was explained to respondents that Courts can impose a requirement to complete unpaid work in their local community as part of a Community Payback Order. Respondents were then asked to select from a list of activities, which they believe people carrying out Community Payback should undertake. The top response was litter picking (88%), followed by cleaning up graffiti (76%) and paths maintenance or clearing snow (71%).

### **Health and Wellbeing**

- 3.25 All respondents were asked how much time they spent doing physical activity which was enough to raise their breathing rate. Just 5% of respondents said they had not done any physical activity (5%), 34% said they had done this for less than one hour, 45% spent between 1 and 2.5 hours doing physical activity and 16% said they did more than 2.5 hours of physical activity in the previous seven days.
- 3.26 Almost two thirds of respondents (63%) rated their physical health as very good or good. 71% rated their mental health as either very good or good.
- 3.27 Respondents were asked to what extent they agreed or disagreed with statements regarding support networks. Over 8 in 10 respondents (86%) agreed that in an emergency, such as a flood, they would offer to help people in their neighbourhood who might not be able to cope well. Slightly fewer respondents agreed that if they were alone and needed help they could rely on a friend or relatives in their neighbourhood (79%) or that they

feel they could turn to friends or relatives in their neighbourhood for advice and support (78%).

Just under 6 in 10 respondents (58%) were aware that the Council has to 'ensure period products are generally obtainable free of charge by all persons who need them'. The top three preferred locations for picking up free period products were libraries (36%), schools (33%) and community centres (33%).

### **Climate Change**

- 3.28 Respondents were asked the extent to which they agreed or disagreed with a number of statements about climate change. The greatest level of agreement was with the statement 'I understand what actions people like myself should take to help tackle climate control' with 77% of respondents either strongly agreeing or tending to agree with this statement. The lowest level of agreement was just 5% with the statement 'Climate change will only have an impact on other countries, there is no need for me to worry'. 87% of respondents either tended to disagree or strongly disagreed with this statement.
- 3.29 When asked what actions would encourage them to do more to address their own impact on climate change, 61% of respondents said cheaper bus or train fares and 53% said more recycling facilities would definitely encourage them to address their own impact on climate change. On the other hand, only 25% said that more electric vehicle charging points would definitely encourage them to address their own impact on climate change.

### **Money Matters**

- 3.30 Respondents were asked how well their household is currently managing financially, with 19% of respondents saying they are managing very well. This is marginally less than the 2021 survey where 22% were managing very well. The combined percentage of respondents managing either very or quite well has decreased from 54% in 2019 to 50% in 2021 and again to 45% in 2024.
- 3.31 Respondents were asked to think about their standard of living and whether it has got better, stayed the same or got worse over the last two years. Overall, 16% said they feel it has got much or a little better compared to 43% who said it has got much or a little worse. 39% said it has stayed the same.
- 3.32 Over half of respondents (60%) have had to make adjustments to deal with the rise in cost of living. The most common adjustment made has been made is reducing energy use, which has been done by 56% of respondents.
- 3.33 When asked about their standard of living in relation to what they may or may not have, the vast majority of respondents (90%) said they have home contents insurance.

- 3.34 20% of respondents said they don't have and can't afford to make regular payments into an occupational or private pension.
- 3.35 In addition, 18% said they don't have and can't afford all recommended dental work/treatment or that they don't have access to £500 to cover an unexpected but necessary expense. The proportion of respondents saying that they have these things has decreased for all items since 2021.
- 3.36 Respondents were then asked about their standard of living in relation to items that their children may or may not have. Almost all respondents (97%) reported that their child has access to a computer or the internet to complete homework. On the other hand, 16% of respondents said they cannot afford to give their child day trips with family once a month and 14% said they could not afford for their child to have a holiday away from home at least one week a year.

#### **4 POLICY IMPLICATIONS**

- 4.1 The findings of the survey will be used by the Council and Community Planning Partners to inform the development of future strategies and plans, as well as the reviewing of performance indicators.

#### **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial - The cost of the survey, £20,000, was met from the Communities budget
- 6.2 Personnel - none
- 6.3 Other - none

#### **7 BACKGROUND PAPERS**

- 7.1 Results of the East Lothian Resident Survey 2024: Members' Library (Ref: 131/24, October 2024 Bulletin: [Agendas, reports and minutes | East Lothian Council](#))

<b>AUTHOR'S NAME</b>	Stewart Cooper Toby Renouf
<b>DESIGNATION</b>	Service Manager – Communications Executive Officer
<b>CONTACT INFO</b>	scooper@eastlothian.gov.uk
<b>DATE</b>	7 October 2024

## **MOTION TO EAST LOTHIAN COUNCIL**

**29 October 2024**

### **Winter Fuel Payments**

This Council is asked to note that the withdrawal of the Winter Fuel Payments by both the UK Government in Westminster and the Scottish Government in Holyrood will have a significant and direct impact on millions of pensioners across the UK and here in East Lothian. According to estimates by the Scottish Government 900,000 Scottish pensioners will lose out and that the Scottish Parliament Information Centre estimates that over 16,000 pensioners will lose out here in East Lothian.

The Council is asked to further note that only an estimated 1,744 pensioners receive pension credit in East Lothian and will be protected from the change.

Additionally, it is believed that the choice of pension credits as a means test will not detract from the fact that there are many eligible for pension credit who don't receive it and many others who fall outwith this arbitrary means test and will suffer badly this winter, facing a choice between heating their homes and feeding themselves. It is also expected that this policy will result in higher excess winter deaths this year, which in Scotland are already the worst in 30 years.

We call upon the Council Leader to write to both the Prime Minister and the First Minister to protest against the withdrawal of Winter Fuel Payments, outlining the negative impacts; and to ask them to reconsider their position and bring back the Winter Fuel Payment to those pensioners who are not higher rate tax payers.

We also ask that a strategic communications plan be put in place to contact as many pensioners as possible through our libraries, community centres and other spaces, informing them of their right to claim pension credit and telling them in clear and precise terms how to make such a claim.

Proposed by (name): Jeremy Findlay

Date: 11 October 2024

Seconded by (name): Donna Collins

Date: 15 October 2024

Received by (name of officer): Carlo Grilli, Service Manager – Governance

Date: 11 October 2024



## MOTION TO EAST LoTHIAN COUNCIL

29 October 2024

### Impact of Austerity

Council notes with regret the recent statements, by Westminster Prime Minister on August 27th “There is a budget coming in October and it’s going to be painful”, and the Chancellor of the Exchequer who on July 29th advised that “difficult decisions” to find £5.5 billion of savings this year and £8.1 billion next year, will be taken, which demonstrate that after 14 years, ‘austerity’ will not end.

Council also notes that on May 19th Wes Streeting (now Secretary of State for Health and Social Care) stated “All roads do lead back to Westminster because even though this (Health) is devolved, decisions taken in Westminster have an impact on the NHS across the whole country”.

12

Council notes that on September 3rd the Scottish Government has had to make £500 million in savings to ease “enormous and growing pressure on the public finances”.

Council notes that according to the Wales Governance Centre at Cardiff University, the Welsh government is facing “serious budgetary challenges” in the region of £683 million, or face cuts to non-protected areas.

Council also notes that ‘two child benefit cap’ which impacts over 1,600 children<sup>1</sup> in East Lothian is to remain, that over 16,000 pensioners in East Lothian and almost 885K pensioners across Scotland<sup>2</sup> will lose their Winter Fuel Payments, that the energy price cap will be increased by 10% in October impacting almost every household across East Lothian.

Given the above, and this month’s budget statement, Council seeks a report by the Executive Director for Council Resources to be presented to the Cabinet Committee or the full Council by the end of the year as to what measures East Lothian Council can continue to take or may seek to take, to address the impact of continuing ‘austerity’ on our communities.

Proposed by (name): Lyn Jardine

Date: 11 October 2024

Seconded by (name): Lee-Anne Menzies

Date: 15 October 2024

Received by (name of officer): Linda Gillie, Team Manager – Democratic and Licensing

Date: 11 October 2024

<sup>1</sup> [https://endchildpoverty.org.uk/two\\_child\\_limit/](https://endchildpoverty.org.uk/two_child_limit/) - see interactive summary map

<sup>2</sup> [Winter Fuel Payment in Scotland – SPICe Spotlight | Solas air SPICe \(spice-spotlight.scot\)](https://www.spice-spotlight.scot.gov.uk/winter-fuel-payment-in-scotland/)



**REPORT TO:** East Lothian Council

**MEETING DATE:** 29 October 2024

**BY:** Executive Director for Council Resources

**SUBJECT:** Submissions to the Members' Library Service,  
12 August – 13 October 2024

---

**13**

**1 PURPOSE**

- 1.1 To note the reports submitted to the Members' Library Service since the last meeting of Council, as listed in Appendix 1.

**2 RECOMMENDATIONS**

- 2.1 Council is requested to note the reports submitted to the Members' Library Service between 12 August and 13 October 2024, as listed in Appendix 1.

**3 BACKGROUND**

- 3.1 In accordance with Standing Order 3.4, the Chief Executive will maintain a Members' Library Service that will contain:
- (a) reports advising of significant items of business which have been delegated to Councillors/officers in accordance with the Scheme of Delegation or officers in conjunction with Councillors, or
  - (b) background papers linked to specific committee reports.
- 3.2 All public reports submitted to the Members' Library are available on the Council website.

**4 POLICY IMPLICATIONS**

- 4.1 None

## **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

## **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – None  
6.2 Personnel – None  
6.3 Other - None

## **7 BACKGROUND PAPERS**

- 7.1 East Lothian Council's Standing Orders – 3.4

<b>AUTHOR'S NAME</b>	Lel Gillingwater
<b>DESIGNATION</b>	Team Manager – Democratic Services & Licensing
<b>CONTACT INFO</b>	<a href="mailto:lgillingwater@eastlothian.gov.uk">lgillingwater@eastlothian.gov.uk</a> x7292
<b>DATE</b>	14 October 2024

**MEMBERS' LIBRARY SERVICE RECORD FOR THE PERIOD  
12 August – 13 October 2024**

<b>Reference</b>	<b>Originator</b>	<b>Document Title</b>	<b>Access</b>
84/24	Head of Finance	ELC Procurement for Q1 2024/25	Public
85/24	Head of Infrastructure	Update on Tackling the Nature Emergency	Public
86/24	Head of Infrastructure	Proposed Grass Rugby Pitches, Wallyford	Public
87/24	Head of Operations	Review of Frozen Meals Co-ordinator role within Home Care	Private
88/24	Service Manager – People & Council Support	Establishment Changes for August 2024	Private
89/24	Head of Communities	East Lothian Advice Consortium Annual Report 2023-24	Public
90/24	Executive Director for Council Resources	SRR: The creation of x2 temporary Systems Development Officers - Transformation	Private
91/24	Head of Infrastructure	Proposed Extension to Coastal Toilets at Yellowcraig Beach, Dirleton	Private
92/24	Executive Director for Council Resources	SRR: Play Therapy in the Adoption and Kinship Team, Children's Services	Private
93/24	Head of Infrastructure	Response to Call for Evidence on the Control and Impact of Invasive Non-Native Species	Public
94/24	Head of Corporate Support	Establishment Changes for September 2024	Private
95/24	Executive Director for Council Resources	Community Development Assistant – Change of Work Location	Public

14 October 2024

