



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

**TUESDAY 10 DECEMBER 2024  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON  
AND VIA HYBRID MEETING FACILITY**

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### **Committee Members Present:**

Provost J McMillan (Convener)

Councillor S Akhtar

Councillor E Allan

Councillor R Bennett (from Item 6)

Councillor Bruce

Councillor D Collins

Councillor F Dugdale

Councillor J Findlay

Councillor A Forrest

Councillor N Hampshire

Councillor L Jardine

Councillor C McFarlane

Councillor C McGinn

Councillor S McIntosh (from Item 2)

Councillor K McLeod

Councillor L-A Menzies

Councillor B Ritchie

Councillor T Trotter

Councillor C Yorkston

### **Council Officials Present:**

Ms M Patterson, Chief Executive

Ms L Brown, Executive Director for Education and Children's Services

Ms S Fortune, Executive Director for Council Resources

Ms F Wilson, Director of Health and Social Care

Ms H Barnett, Head of Corporate Support

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

Mr S Cooper, Service Manager – Communications

Mr K Dingwall, Service Manager – Planning/Chief Planning Officer

Mr P Forsyth, Project Manager – Growth and Sustainability

Ms J Fraser, General Manager – Children's Services

Ms A-M Glancy, Service Manager – Corporate Accounting

Ms F Haque, Solicitor

Mr D Henderson, Service Manager – Service Accounting

Mr E Hendrikson, Team Manager – Amenity Services

Mr S Kennedy, Team Manager – Emergency Planning and Resilience

Mr E John, Service Manager – Countryside, Sport and Leisure

Mr P Ritchie, Service Manager – People and Council Support

Mr A Stewart, Project Manager – Growth Delivery

Mr A Stubbs, Service Manager – Roads

**Visitors Present:**

None

**Clerk:**

Mrs L Gillingwater

**Apologies:**

Councillor C Cassini

Councillor N Gilbert

Councillor G McGuire

**Declarations of Interest/Transparency Statements:**

Item 2: Transparency Statement – Councillor McLeod stated that he was a member of the Friends of Polson Park.

Item 5: Transparency Statement – Councillors Allan, Jardine and Menzies stated that they worked in the constituency office of an MSP, but they did not support him in his role as a minister.

Item 6: Transparency Statement – Councillor McIntosh advised that she had submitted a letter to the East Lothian Courier in March 2024, but that her letter was not connected to the subject of the report, namely, the Traffic Regulation Orders.

Item 9: Declaration of Interest – Councillor Menzies advised that as a Board Member of EnjoyLeisure she would leave the meeting for the duration of that item.

Item 9: Transparency Statement – Councillor Ritchie stated that she was a member of the Board of EnjoyLeisure.

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 East Lothian Council meeting of 29 October were approved, subject to the following amendment:

Item 3 (p. 6, para. 8, l. 3): replace 'place-based arts project' with 'place-based consultation'.

**2. FINANCE UPDATE**

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

The Service Manager for Service Accounting, David Henderson, presented the report. He provided a summary of the financial position as at the end of Quarter 2, noting the main areas of pressure, the planned use of reserves, additional Scottish Government funding received, and efficiency savings delivered. He drew particular attention to the situation regarding the East Lothian Integration Joint Board (IJB). Mr Henderson also updated Members on capital spending projections, the treasury management position, the Housing Revenue Account (HRA), and the pressures facing the Council in future years.

Councillor Dugdale sought an update on the position regarding funding for teachers. Mr Henderson advised that the Quarter 2 report assumed that that full funding would be received; this matter had been raised through CoSLA and the Directors of Finance network.

Councillor Jardine questioned the budget increase regarding the Dunbar Conservation Area Regeneration Scheme (CARS), and also asked about the possibility of the IJB revisiting its decision about the use of its reserves. On CARS, Mr Henderson advised that there had been a change in the spend profile due to delays in the payment of grant funding; he expected that the money would be spent in time, but not during the 2024/25 financial year. As regards the IJB, he noted that it would be for the IJB to determine how it would use its reserves; however, the decision taken by the IJB did allow for further consideration of the use of its reserves.

*Post-meeting note:* Fiona Wilson, Director for Health and Social Care, confirmed that should there be additional funding allocated to the IJB that results in an underspend, it would be for the IJB to decide on how this would be used; however, it was not anticipated that there would be any additional funding allocated during the current financial year.

Responding to questions from Councillor Bruce, Mr Henderson confirmed that the forecast surplus in the council tax budget was due to an increase in properties; this would be taken into account in the calculations for future years. He could not say for certain if this would have a significant impact in the outturn for this financial year, but he did point out that growth had led to pressures in a number of areas. On the Children's Services budget overspend, Mr Henderson advised that this related to the cost of external placements and external fostering, which were the main areas of pressure within that budget. He agreed to consider how this information is presented for future reports.

Councillor Trotter asked about risks and costs associated with delivering social work services. Jen Fraser, General Manager for Children's Services, noted that the cost of external placements continued to rise, and that a significant proportion of the overspend was due to these placements, which dealt with children and young people with complex needs and behaviours, such as sexually harmful behaviour, complex family relationships, and violence.

*Post-meeting note:* Fiona Wilson advised of the responsibility to keep adults safe, through supporting care home placements, care at home, and specialist placements. She added that progress had been made in managing efficiency, and that there was a focus on ensuring that decision-making is sound and meets professional requirements.

In response to questions from Councillor McIntosh, Nicola McDowell, Head of Education, indicated that the underspend in early years education was due to services being delivered differently following a service review, and also that there were three intakes throughout the year, so it was likely that the underspend would reduce. On the underspend on the HRA relating to energy efficiency, Mr Henderson made reference to the 'fabric first' approach adopted by the Housing Service, which covered loft, cavity and external wall insulation, heating upgrades, and door and window replacement programmes. He noted that these aspects were previously classed as modernisation, and that some of the expenditure relating to the door and window replacement programme continued to be classified as such. On the use of Lloyds Bank for short-term investments, Ellie Dunnet, Head of Finance, explained that the Council had to follow the Prudential Code and CIPFA Code; although it may be possible

to consider more ethical investments, it would not be possible for the Council to extricate itself from Lloyds immediately, so these investments would remain with Lloyds for the remainder of their contracts.

Councillor Menzies asked questions about levels of borrowing over the past decade. Mr Henderson advised that borrowing levels depended on the size of the programme and that higher inflation had impacted on borrowing levels. He added that the Council did not borrow for specific capital projects, and that the timing of borrowing was determined by cash flow, market conditions and advice from treasury advisers. Additionally, some fiscal flexibility had been applied during the COVID-19 pandemic.

Councillor McLeod asked about the consequences for managers who fail to operate within approved budget levels, and also about income generation. Mr Henderson assured him that the majority of services were operating within budget or reporting an underspend; where this was not the case, enhanced monitoring was in place and those managers met regularly with the Finance Team. He added that a balance had to be struck between meeting statutory duties and keeping people safe from harm. On income generation, he referred to a number of initiatives under consideration and advised that proposals would be brought forward in due course; however, this income would not be realised within the current financial year.

Councillor Allan asked a question in relation to the Community Housing Group savings. Mr Henderson noted that the unachieved saving was the reason for the pressure on this service, and that the Head of Housing was currently working on a proposal to deliver the savings on a recurring basis from the next financial year.

In response to questions from Councillor Akhtar, on teacher numbers, Mr Henderson indicated that discussions were ongoing, so he could not provide further detail at this time. As regards the additional £5m of funding allocated to the IJB, he noted that this funding was provided largely to fund the Living Wage and free personal nursing care; he therefore expected this allocation to be fully spent in 2024/25. Concerning the Scottish Welfare Fund, he advised that there were significant pressures on this fund, and that the Scottish Government had announced an additional £20m of funding for the current financial year; the Council would continue to award grants on a high priority basis, and was still to hear what its allocation of the additional funding would be.

Councillor Hampshire opened the debate, highlighting the challenges facing the Council due to growth, which were impacting all Council services. He noted, in particular, the demands on Children's Services and the IJB, but stressed that the Council had to do all it could to protect vulnerable people. He thanked the staff for their efforts in difficult circumstances.

Councillor Forrest thanked Wendy McGuire and her team for their work to address the issue with void properties, and Nicky Sandford for her efforts to address homelessness. He welcomed the additional government funding for the affordable housing programme.

Councillor Menzies acknowledged that all local authorities were experiencing budget pressures, and she hoped that the Scottish Government's budget would not be delayed. She welcomed the additional funding for the Scottish Welfare Fund.

Referring to the recent UK Government funding announcement for Scotland, Councillor Akhtar noted that this would provide an additional £2.8bn for day-to-day spending, and £610m for capital investment. She hoped that this would provide additional resources for the Council. As regards the IJB, she indicated that the level of reserves would need to be looked at so that there was sufficient funding to meet demand, and also that consideration would need to be given to day centre services in Musselburgh. She voiced concern about teacher numbers and what this could mean for East Lothian.

## Decision

The Council agreed:

- i. to note the outcome of the Quarter 2 financial performance against approved budgets 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 scrutiny 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.

### 3. FINANCIAL AND CAPITAL STRATEGIES 2025-30

A report was submitted by the Executive Director for Council Resources providing an update on the financial outlook facing the Council; providing an update on the budget development process, which would inform the setting of budgets for 2025/26 onwards; and seeking approval for the 2025/26–2029/30 Financial and Capital Strategies, attached as Appendices 1 and 2 to the report.

The Head of Finance, Ellie Dunnet, presented the report, drawing attention to additional funding that had been received for General Services, Capital, the HRA (both capital and revenue) and the Integration Joint Board (IJB). She confirmed that there would be no cap on council tax increases for 2025/26, and that the grant settlement would be for one year only. She anticipated that further information would be available after 12 December, and that she would share this with Members. She also highlighted the proposed budget development process, as set out in Section 3.12 of the report.

In response to questions from Councillor Jardine, Ms Dunnet advised that the reserves strategy formed part of the overall Financial Strategy, which covered a five-year period and was reviewed annually. She encouraged Members to engage with officers as part of the financial updates to Council and also through the cross-party budget group. On consulting with the public, she reminded Members that resources had to be aligned to the Council's statutory duties and priorities, although it could be revised during the year.

Councillor Bruce asked for an update on the progress with the rent review. Ms Dunnet explained that work was underway to develop a new model, with a target implementation date of April 2026. She reassured him that the delivery of this project would be monitored by the Executive Team.

Councillor Menzies asked about the impact on the Council of the employers' national insurance increase. Ms Dunnet reported that initial estimates were that it would cost the Council £4.6m, and that she was not certain at this stage if this would be fully funded. She added that the funding would not cover commissioned services.

Responding to a question from the Provost as regards any additional funding announced after 6 February, Ms Dunnet stressed that it was important to continue with the setting of the budget as planned, and suggested that any additional funding should be held as contingency.

Councillor Ritchie asked about how young people could be more involved in the budget consultation process. Ms Dunnet advised that the process was assessed annually and that she would give this aspect further thought; however, she did point out that the consultation was shared with the Youth Parliament.

Opening the debate, Councillor Hampshire pointed out that the Spending Review should provide longer-term certainty, and that further detail was required from both the UK and Scottish Governments. He noted that CoSLA was in negotiations with the Scottish Government, and he was hopeful that a new fiscal framework would be agreed, which would provide local authorities with certainty as to their allocation and allow for longer-term financial planning.

Councillor Jardine welcomed the prospect of planning on a multi-year basis. She suggested that this would also allow for the Council to work more collaboratively with communities and the Third Sector, as well as feeding back shared concerns to both governments. As regards the budget development process, she was of the view that community engagement needed to be better, and she had concerns about the methodology used.

Acknowledging that demand for Council services was very high, Councillor McLeod stressed that services must not be reduced without good reason.

Councillor Bruce voiced his concern about the delay with the rent restructure and requested that a report on this matter be brought forward as soon as possible. He referred to the Council's declaration of a housing crisis at a time when East Lothian had the second lowest rent levels in Scotland, and he suggested that this situation created issues with managing the HRA and delivering the repairs programme. Sarah Fortune, Executive Director for Council Resources, undertook to bring forward a report on this issue.

Councillor Akhtar spoke of the need to take a flexible approach with these strategies. She also pointed out that while the IJB had a responsibility to deliver services, the assets were owned by the Council, and the Council's capital funding allocation had reduced by 23% over the past ten years. She stressed the importance of this being taken into consideration and that the Council was funded fairly going forward.

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, budget projections and key assumptions for financial planning 2025/26 onwards, as set out within the Financial Strategy (Appendix 1 to the report) and summarised in the report;
- ii. to note the changes to the current approved strategy and approve the updated Financial Strategy for 2025/26–2029/30, set out in Appendix 1 to the report;
- iii. to note the changes to the current approved strategy and approve the updated Capital Strategy for 2025/26–2029/30, set out in Appendix 2 to the report;
- iv. to approve the budget development process set out in Section 3.12 of the report, which would inform the development of the 2025/26 and future years budget proposals;

- v. to note that agreeing the process set out in Section 3.12 of the report means that there will be no option to submit amendments to the budget papers after noon on 6 February 2025, other than for the correction of errors;
- vi. to agree to delegate authority to the Chief Financial Officer and Monitoring Officer, in discussion with Political Group Leaders to make any necessary changes to the timelines set out in Section 3.12 of the report;
- vii. to note the indicative timetable for the parliamentary process for the Scottish Government's 2025/26 budget, as set out in Section 3.18 of the report; and
- viii. to agree that any funding announced after 6 February 2025 would be held as contingency to offset budget risks and future year pressures in the first instance, with any subsequent decision to commit this funding being considered at a future Council meeting.

#### **4. CORPORATE RISK REGISTER 2024/25**

A report was submitted by the Chief Executive advising of the risks impacting the delivery of Council services.

The Team Manager for Emergency Planning and Resilience, Scott Kennedy, presented the report, drawing attention to a number of specific risks (CR1, CR3, CR5 and CR17, as set out in the appendix to the report). He assured Members that the Risk Register would be closely monitored on an ongoing basis.

Responding to questions from Councillor Trotter on the Homeless and Housing Pressures risk (CR3), Wendy McGuire, Head of Housing, reported that the additional funding would hopefully help increase supply, but at this stage the Council's allocation remained unknown and she could not commit to sites until this was confirmed, so she recommended that this risk should remain unchanged in the meantime. She added that it was not possible for the Council to commit to future development projects with only a one-year funding allocation; however, once the allocation was confirmed, officers could take action immediately as regards determining priorities for three particular sites. On the allocation of 2-bedroom properties to single people, Ms McGuire advised that it was too early to determine if there were any unintended consequences of this policy change. She did point out, though, that the change had resulted in a significant reduction in people in temporary accommodation, with 15 offers of housing having been accepted. She would provide a further report on this in April 2025. Ms McGuire also reported that live homelessness applications had reduced from 730 to 450 in the past year, due to changes in the Allocations Policy and improved relationships with housing association and registered social landlord partners. On people presenting themselves as homeless outwith East Lothian, she was unable to provide figures on this but undertook to look into this matter.

Councillor Hampshire commented on the risk to the Council of coastal erosion, and he asked for further detail on this. Tom Reid, Head of Infrastructure, advised that a coastal assessment was required, which would inform the Risk Register in due course. He made reference to the successful multi-agency response to the damage at North Berwick harbour and the recovery plan at Cockenzie harbour, noting that there was a wider risk from storm damage and rising tides.

Councillor Dugdale asked what would happen if the highest risks continued to get worse. Sarah Fortune, Executive Director for Council Resources, explained that this was taken into account through the risk management framework, and that it was possible that CR1 (Managing

the Financial Environment), currently sitting with a risk score of 25, could get worse, depending on the outcome of the Scottish Government budget.

Councillor Jardine asked about dialogue with communities about budget development. Ellie Dunnet, Head of Finance, noted that the Budget Insights campaign was developed as a result of comments from residents, and the intention of the campaign was to explain budget-related issues clearly. The campaign would be a long-running one, and in future years it would be updated using the Residents' Survey. She added that the Communications Team was currently working on updated messaging, particularly in light of the recent Scottish Government budget and the Council's own budget development process.

Councillor McIntosh sought an update on the situation at the Brunton Hall. Mr Reid reported that the relocation of services was now underway, and he anticipated that the building would be mothballed by 31 March. The Community Empowerment consultation would begin in early 2025, and officers would begin work on the scope and engagement of place-based projects in early January 2025.

Councillor McIntosh also expressed concern that there may be insufficient funding to carry out actions relating to climate change. Ms Fortune assured her that this issue continued to be discussed at the Directors of Finance Group, and also raised by CoSLA; she pointed out that funding was required to deliver these actions. Mr Reid added that as part of the asset review and place-based projects, climate change would be one of the aspects measured. Mr Kennedy also pointed out that there was a separate risk for severe weather. Councillor McIntosh also asked if the charging policy for Environmental Information Regulations (EIR) requests had been updated since the Information Commissioner's decision on this. Hayley Barnett, Head of Corporate Support, advised that the Service Manager for Governance would be meeting with a representative from the Information Commissioner's Office to discuss this matter, and that the Risk Register and Members would be updated thereafter.

Councillor Allan questioned if the Risk Register should include a risk on staff decision-making concerning adult social care provision.

*Post-meeting note:* Fiona Wilson, Director of Health and Social Care, advised of the responsibility to keep people safe and prevent them from harm. Where there is any doubt in this regard, support on decision-making would be sought from the professional leads within Health and Social Care.

Councillor McGinn asked if the results of the 2024 Employee Engagement Survey had been shared with Members. Ms Dunnet expected that this would have been the case but undertook to reissue it.

Councillor Menzies requested that Standards Commission training be arranged for Members. Ms Barnett agreed to take that forward.

Moving to the debate, Councillor Bruce thanked all those officers involved in dealing with the recent situation at St Gabriel's Primary School [which had had to close temporarily due to a gas leak]. He described the response to the issue as 'exemplary', with arrangements having been put in place to look after the children. He also welcomed the arrangements put in place to protect Cockenzie harbour following a recent storm.

Councillor Bruce's comments were echoed by Councillor Akhtar. She was concerned about the number of very high/high risks within the Risk Register, commenting that it was important for the Council to be properly funded. She made reference to the number of people awaiting a care package, noting that a recent report by lead professionals in Social Work and Health to the IJB had advised that the situation was at a critical level, and that it was very difficult for



them to continue operating within the current funding; she called for that report to be shared with all Members.

Councillor McGinn made mention of the new website of the Midlothian and East Lothian Public Protection Committee, describing it as a ‘fabulous resource’. However, he pointed out that there had been an increase in domestic violence incidents, and issued a plea to men to ‘not be that guy who causes distress in the family’.

Councillor Dugdale spoke of a recent report issued by the Local Government Information Unit (LGIU) which had warned that councils were facing a precarious financial position that could have catastrophic consequences. She hoped that additional funding would come forward to help councils protect and support communities.

Councillor Jardine stressed the need for local services to be supported and paid for. She commended Councillor McGinn for his comments on violence against women and girls, remarking that everyone had a duty to call out inappropriate behaviour when they witnessed it.

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

### **Decision**

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

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

### **5. UPDATE ON REGIONAL STRATEGIC SITES PROGRAMME AND RECOMMENDATION TO PREPARE A STRATEGIC OUTLINE BUSINESS CASE FOR BLINDWELLS NEW SETTLEMENT**

A report was submitted by the Executive Director for Place updating the Council on the Regional Joint Committee’s approval of the Strategic Sites Programme for South East Scotland, which is linked to the implementation of the Edinburgh and South East Scotland City Region Deal, and the Regional Prosperity Framework and its associated Delivery Plan. The report also sought approval for the development of a Strategic Outline Business Case (SOBC) for Blindwells New Settlement for government consideration.

The Project Manager for Growth Delivery, Andrew Stewart, presented the report. He provided a summary of progress made to date and advised that the Strategic Sites Programme had

been approved by Regional Partners on 18 October 2024, and was now included within the Programme for Government for 2024/25. Within that Programme, Blindwells was listed as a priority strategic site for which a Business Case should be developed. He reminded Members that that National Planning Framework 4 (NPF4) safeguarded BW2 for future expansion, and he advised that the key Blindwells landowners were in agreement that a Business Case should be pursued to seek government support to deliver the 'infrastructure first' approach. He set out the timescales for this process, noting that it could take around three years to complete all stages.

The Provost paid tribute to Douglas Proudfoot, former Executive Director for Place, for his achievements with the development of the Blindwells site and other major projects in East Lothian. He also noted that tributes had been paid to Mr Proudfoot at the recent City Region Deal meeting.

In response to questions from Councillor Bruce, particularly as regards investment on the East Coast Mainline and the possibility of a rail halt at Blindwells, Mr Stewart confirmed that the Local Development Plan safeguards a rail halt at Blindwells, but that this would need to be led by Transport Scotland, Network Rail and the train operators. He stressed that all transport solutions, including rail, would be considered as part of a future Business Case, and although he was supportive of a rail halt being included, he could not provide any guarantees at this stage in the process.

Councillor Ritchie voiced her concerns about facilities within Blindwells. Mr Stewart assured her that place-making was essential and that if the government was supportive of the SOBC then a vision would be created for the town; this would be a collaborative process and it would give the Council an opportunity to consult with communities prior to the Outline Business Case being concluded.

Councillor Jardine made reference to the feasibility study for the Local Heat and Energy Efficiency Strategy, and asked if there was scope to incorporate that aspect at an early stage. Mr Stewart noted that this was already under consideration and would be advanced at the Outline Business Case stage.

Councillor Trotter queried how transport solutions could be delivered when the development was already underway and if there was scope to adapt the transport plan as the development progresses. Mr Stewart explained that the Blindwells Area Design Framework would take account of the fact that the BW1 site was already being developed and that its ongoing delivery would form part of the Business Case solution, and a decision would need to be taken as to the point at which the Business Case stage becomes operative. As regards the Outline Business Case and Area Design Framework, he stressed the importance of a clear transition between the operational part of the site and the part of the site still to come forward; further reports on this would be brought back to Council.

In response to questions from Councillor McIntosh regarding taking account of climate change and nature, Mr Stewart referred to NPF4, which sets the policy context, and also the supplementary guidance associated with the Business Case process, which would take account of factors such as transport analysis, emissions and climate change; greenhouse gas emissions would be considered at the Outline Business Case stage. He noted that the Outline Business Case stage was critical as it required in principle support from the government in order to go forward to the Business Case stage and then onto the grant award stage.

Councillor Menzies raised a question about decisions on the sizes and types of houses being delivered. Mr Stewart advised that this could be covered at a later stage, but remarked that in a new town it was important to have a variety of house sizes.

Councillor Ritchie welcomed the report, pointing out that it was a good example of national and local government working together with communities and businesses, which would benefit all parties. She stressed the need for the infrastructure to be in place, and to ensure that the residents of Blindwells were included in the process going forward.

Councillor Hampshire referred to the significant amount of complex work that had been done to get to this stage, and he welcomed the partnership working through the City Region Deal. He noted that it could be 20-30 years before the sites were delivered and that collaborative working was key to achieving this. He also stressed the need for the relevant infrastructure to be delivered alongside housing developments. He noted that other communities in East Lothian could not sustain additional development but that there was an opportunity for further development within the Blindwells area. He remarked that Douglas Proudfoot would be proud of the progress made to get to this stage.

Councillor Bruce was concerned that a rail halt at Blindwells may not be delivered, especially considering c.10,000 homes could be built on that site. He felt that the only solution was for this settlement to have its own rail halt. He stated that he would continue to raise this issue, and that he would not support a business case that did not include this aspect.

Councillor Jardine mentioned the lack of retail and other services at Blindwells, which was a challenge for the residents. She indicated that greater certainty was needed on this. She encouraged the Administration Members involved at a strategic level to keep other political groups informed. Councillor Hampshire suggested that regular briefings should be provided to Members on this project so that everyone was kept fully informed.

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

## **Decision**

The Council agreed:

- i. to note the approval by the Regional Joint Committee of the Strategic Sites Programme for South East Scotland;
- ii. that officers should seek to develop a Strategic Outline Business Case (SOBC) for Blindwells New Settlement, which should be done in collaboration principally with both governments and their agencies, Scottish Futures Trust and relevant Blindwells landowners (represented by Hargreaves Services Plc and Taylor Wimpey Plc); and
- iii. to note that future East Lothian Council and Regional Joint Committee decisions on a Blindwells Strategic Outline Business Case (SOBC) should be targeted for June 2025, and if such a SOBC is approved, it should be submitted to both governments for their consideration.

## **6. UPDATE ON NORTH BERWICK TRAFFIC REGULATION**

A report was submitted by the Executive Director for Place providing an update on the proposed Traffic Regulation Orders (TROs) for the introduction of both on- and off-street parking restrictions and charging in North Berwick.

The Provost announced that two amendments had been received in respect of this report, which had been circulated to Members in advance of the meeting.

The Project Manager for Growth and Sustainability, Peter Forsyth, presented the report. He provided a summary of the consultation process undertaken, the number and nature of responses to the consultation, an outline of each of the four TROs, and a summary of recommended mitigations.

Responding to a series of questions from Councillor Findlay, Mr Forsyth pointed out that people working within the town could park for free outwith the chargeable zones, and that there was also no charge after 6pm to park on the street; there would be week-long short-term let parking permits, to be used only by the visitors. Mr Forsyth pointed out that there was no available land that could be used as car parks to accommodate the increasing volume of cars coming into the town, hence the proposal to incentivise turnover in the existing parking facilities and to encourage use of other modes of transport. He noted that there would be no charge at the long-stay car park, and he believed that the proposed charges were reasonable.

Councillor McFarlane asked for further detail as to how the income from charges would be used. Mr Forsyth confirmed that this income would be ring-fenced, to be used on enforcement measures, investing in public transport, or making road or environmental improvements. He added that it was anticipated that five new parking attendants would be employed.

Referring to the mention in the report of 'political opposition to the scheme', Councillor Allan asked what this related to. Mr Forsyth pointed out that he had become aware of a campaign that had been started by a local MSP and councillors opposed to the introduction of the scheme. Raising a point of order on the matter of this campaign, Councillor Menzies asked if the councillor(s) in question should have declared an interest in this item. Hayley Barnett, Monitoring Officer, advised that she had given advice to all Members about declarations of interest, and that it was for Members to decide whether such a declaration was required. She added that the continuation of the campaign could not trigger a public inquiry; however, she noted that any decision of the Council could be taken forward to judicial review.

Responding to further questions from Councillor Allan, Mr Forsyth confirmed that there was nothing of significance as regards comments in favour or against the proposals within the North Berwick Place Plan, but that there was general support for sustainable transport solutions. On the costs of the scheme to date, Mr Forsyth indicated that a total of £407,000 had been spent over the past four years, with £93,000 being spent since Stantec were appointed. As regards the displacement of parking in other areas of the town, Mr Forsyth noted that it was not clear at this time if there would be an impact on, for example, St Baldred's Road, Law Road and Dirleton Avenue, but that action could be taken to stop indiscriminate parking. As regards the consultation responses, Mr Forsyth reported that all responses had been considered, but that some were outwith the scope of the scheme. He was of the view that officers had been fair and robust.

In response to Councillor's Hampshire's questions, Mr Forsyth confirmed that the residents' parking scheme in the town centre would continue, but that a charge for permits would be applied; there would be no change to disabled parking arrangements. He stressed that officers had followed the proper legal and consultation processes, and that there was no requirement for a public hearing to be held. Fariha Haque, Solicitor, confirmed this to be the case.

Councillor Bruce asked how the income would be used to benefit residents. Mr Forsyth indicated that work was underway to look at improvements to the facilities at the Haugh and the Sewage Works, and that the Council would work with Sustrans to improve active travel routes. He pointed out that the income would not be ring-fenced to North Berwick itself, and could be used in other areas.

Councillor Forrest asked if charges would be applied throughout the year. Mr Forsyth explained that between the end of October and the end of March there would be no charging

for the off-street car parks (Imperial, Glebe and Lodge). With references to safety concerns, he confirmed that all areas in North Berwick had street lighting.

In response to questions from Councillor Jardine, Mr Forsyth advised that he had anecdotal data on the usage and income of the Seabird Centre Car Park (charges applied from 1 March to 30 September). As regards the car parks at the Community Centre and Library, he noted that disabled users of these facilities could extend their parking time limit for the duration of their use of the facilities. On monitoring and reviewing the impact of Order No. 4, Mr Forsyth explained that camera systems would be used to monitor use of the parking facilities; these would supplement 'beat' surveys.

Concerning the involvement of Police Scotland, as raised by Councillor Trotter, Mr Forsyth advised that the Police would only be involved where there was a violation; although Police Scotland had been consulted on the proposals, no response had been received. As regards the eligibility for parking permits other than for North Berwick residents, he commented that many such requests had been discounted, on the grounds that the intention was to encourage people to use other modes of transport.

Councillor Menzies asked if accessibility had been considered as regards payment methods. Mr Forsyth confirmed that this was the case; there was a move towards cashless payments, but it was recognised that some people still use cash, so consideration would be given as to the placement of payment machines. On the consultation process, Mr Forsyth advised that officers had met with the business community, Community Council and Area Partnership, and that their concerns had been taken into account, hence the changes to the charging times on the High Street and Westgate, as well as the seasonal charging aspect.

Councillor Ritchie asked about the scope to change the charging arrangements in future. Mr Forsyth pointed out that the scheme would be monitored on an ongoing basis and that adjustments could be made as required.

Responding to questions from Councillor Akhtar, Mr Forsyth made reference to other areas where town centre parking charges had been introduced and explained that there was no evidence that charges had affected the performances of those town centres; however, he cautioned that no two town centres were the same and that it was difficult to provide comparisons. He believed that the introduction of the scheme in North Berwick would improve accessibility to shops in the town centre. He recognised that there was a need to make provision for care workers and contractors, so permits would be provided for these purposes. On violations of the current scheme, Mr Forsyth pointed out that there were c. 336 penalty charge notices issued per year; he argued that an increased number of parking attendants would lead to fewer violations.

The Provost invited Councillor Findlay to introduce his amendment, which sought to replace the report recommendations, as follows:

'Council is recommended to:

Note the objections received;

Note the responses to the objections;

Not set aside the remaining objections, as detailed in Appendices C-F [of the report];

Hold a public hearing by the Department of Environment and Planning Appeals (DoEPA);

Delay the making of the TROs as advertised until after a public hearing by DoEPA and return to a future meeting of the Council.'

Councillor Findlay stated that the amendment was not about TROs, but about democracy being carried out. He noted that the report had only been in the public domain for a few days, and that the community did not have an opportunity to comment on it or relay their views to Members. He questioned the proposal to set aside the remaining objections, remarking that this appeared as though the Council did not take account of people's views, and he believed that a public hearing would provide an opportunity for those views to be heard and all the information to be made available. He claimed that the cost of a hearing would be minimal in comparison to the costs associated with the scheme to date. He urged the Council to listen to the views of the public and hold a public hearing.

Councillor Findlay questioned the view that there was a parking problem in North Berwick and whether the proposed scheme was workable. He acknowledged that the town was very busy over a few weeks in the summer period, particularly during the Fringe by the Sea event, but argued that there was no evidence to show that there were parking problems at other times. He noted that the safety and access issues at the eastern end of the High Street had now been addressed.

As regards the TROs, Councillor Findlay claimed that Order No. 1 would conflict with residents' permits, and that there were not enough spaces; also, the Imperial car park was on Common Good land, and none of the income would come back to the Common Good. On Order No. 2, he argued that there were no motorhome facilities/services, and therefore such vehicles should be banned from this area and directed to other sites. On Order No. 3, he welcomed the free access to the Community Centre car park on Sundays to allow people to go to the nearby church, but noted that this did not apply to other groups. On Order No. 4, he indicated that the North Berwick Business Association had said that this would be detrimental to businesses, based on the experience of other towns.

Councillor Findlay asked why residents should have to pay for their parking permits, which were currently free of charge. He also argued that there was no evidence that the introduction of charging would encourage people to walk or cycle rather than use their car. He believed that people would choose to park in other areas outside the charging zones, thereby creating problems in those areas.

In conclusion, he was of the view that none of the TROs would deliver, and that there would be no benefits to the residents of North Berwick. He also remarked that in order to achieve the projected income, it would require people to park illegally and incur fines. He urged Members to vote against the report recommendations.

Councillor Bruce seconded the amendment, arguing that it was not just concerned with the parking issues, but about transparency of the process and the future of North Berwick. He noted that of the 833 objections, only two had been withdrawn, and many of the objectors felt that their views had not been taken into account. He therefore felt that to proceed without taking the objections into consideration was wrong. Councillor Bruce also made reference to a number of towns that he claimed had suffered due to the introduction of parking charges, and he suggested that if North Berwick's parking problem was seasonal then introducing a year-round scheme was not the right approach. He agreed with Councillor Findlay that the charges would create parking problems in areas outwith the charging zones. He also claimed that the charges would harm those people who needed to use their cars, adding that the financial aspects of the scheme should not be ignored. He questioned how the income from charges would be used. He called for a public hearing to be held to address these issues and provide the transparency and engagement that he felt the public deserved. He noted that he would be happy to support the SNP Group's amendment.

The Provost then invited Councillor Jardine to present her amendment, which would add a recommendation to those set out in the report:

‘Require a formal review of the impacts and operation of the 4 TROs to be provided to Council within a year of being implemented. The review should include a summary of what has gone well, anything that has not, and recommendations to address and approve any issues raised.’

Councillor Jardine recognised that the proposals may be unpopular, but she stressed that this report was concerned with parking issues and the TROs, and that the Council had to take account of the climate emergency. She believed that the majority of concerns raised had been addressed, and that the Council had to take a decision that was in the best interests of the community. She urged the Council not to delay the process and highlighted the importance of reviewing the scheme to ensure it was working in practice.

Councillor Menzies formally seconded the amendment.

Councillor McFarlane opened the debate, noting that the growth of North Berwick had resulted in traffic management and parking problems, and that the current restrictions were being ignored by drivers. She was satisfied with the process, and with the mitigations proposed in response to feedback from the community. She stressed that doing nothing was not an option, and that modest charges would create a more sustainable, people-friendly environment.

Councillor Collins suggested that the way in which this matter had been handled would leave the Council open to criticism and would severely dent the public’s trust in it. She mentioned that she had received more than 300 emails from people concerned about the scheme. She believed that, due to poor public transport from rural communities into the town, people would choose to go to retail parks rather than pay to park in North Berwick, and she had concerns about the scheme being rolled out to other town centres in East Lothian. She urged Members to listen to the community and hold a public hearing on the issue.

Supporting the comments made by Councillors Jardine and McFarlane, Councillor McIntosh observed that a public hearing was not required, and she would therefore not be supporting the Conservative amendment. She highlighted the need for greater investment in public transport and a reduction in car use.

Councillor Hampshire argued that town centres were struggling to cope with the increase in traffic in town centres, and that North Berwick had not been designed to accommodate such a high volume of traffic. He was concerned that if no action was taken, there would be a significant impact on the High Street. He welcomed the mitigations to address some of the concerns raised, and he agreed with others that there was no need for a public hearing.

Councillor McGinn recognised that this was a difficult decision to take, but that it was necessary, and that other high streets in East Lothian would also need to be looked at.

Speaking in support of the officer recommendations, Councillor Menzies advised that the SNP Group’s amendment would provide reassurance as regards the operation of the scheme, but she believed that the Conservative amendment had been designed to prevent the scheme from progressing. She agreed with others that action had to be taken now, and was pleased that the income from the charges would be used for transport-related matters across East Lothian. She felt that a public hearing would not be a good use of money.

Councillor Ritchie made reference to St Andrews town centre, which was thriving despite the introduction of parking charges. She argued that it was disingenuous to claim that the community had not been consulted and the process was not transparent. She added that the parking charges were reasonable – less than the price of a bus ticket – and that there would be scope to review the scheme.

The Provost concluded the debate by providing examples of positive working between the Council and the North Berwick community. He accepted there was a need to look at improving public transport, but he also took the view that introducing the TROs was essential to manage the parking situation and to change behaviours. He pointed out that Mr Forsyth had listened to the community and had tried to achieve a balance. He was not supportive of the Conservative amendment, but he thanked Councillor Findlay for working constructively with officers during the process. He spoke in support of the SNP amendment as this would show that the Council was reviewing the operation of the scheme.

The Provost then moved to the roll call vote on the amendment submitted by Councillors Findlay and Bruce:

For (3): Councillors Bruce, Collins, Findlay  
Against (16): Councillors Akhtar, Allan, Bennett, Dugdale, Forrest, Hampshire, Jardine, McFarlane, McGinn, McIntosh, McLeod, McMillan, Menzies, Ritchie, Trotter, Yorkston  
Abstentions (0)

The amendment fell.

The Provost then moved to the roll call vote on the amendment submitted by Councillors Jardine and Menzies, which was approved unanimously.

The Provost then moved to the roll call vote on the recommendations, as amended:

For (16): Councillors Akhtar, Allan, Bennett, Dugdale, Forrest, Hampshire, Jardine, McFarlane, McGinn, McIntosh, McLeod, McMillan, Menzies, Ritchie, Trotter, Yorkston  
Against (3): Councillors Bruce, Collins, Findlay  
Abstentions (0)

## Decision

The Council agreed:

- i. to note the objections received;
- ii. to note the responses to the objections;
- iii. to approve additional mitigations of the TROs following further representation and community concerns for the reasons detailed in Sections 3.31 to 3.42 of the report;
- iv. to set aside the remaining objections as detailed in Appendices C–F;
- v. not to seek the holding of a public hearing by the Department of Environment and Planning Appeals;
- vi. to approve the making of the TROs as advertised for:
  - North Berwick – Off-street parking places order no. 1
  - North Berwick – Haugh Road and Sewage Works off-street parking places order no. 2
  - North Berwick – Community Centre and Library parking places order no. 3
  - Various Roads – North Berwick – Prohibition and Restriction on waiting, loading and unloading, etc. order no. 4; and



- vii. to require a formal review of the impacts and operation of the 4 TROs to be provided to Council within a year of being implemented. The review should include a summary of what has gone well, anything that has not, and recommendations to address and approve any issues raised.

## **7. RETIRAL OF THE CHIEF EXECUTIVE – FEBRUARY 2025**

A report was submitted by the Executive Director of Council Resources advising of the resignation and retirement of Monica Patterson from the post of Chief Executive of East Lothian Council, to take effect from Sunday 16 February 2025; setting out arrangements for the forthcoming recruitment campaign to secure a new Chief Executive/Head of Paid Service for East Lothian Council and appointing members of the Chief Officer and Head Teacher Appointments Sub-Committee; and setting out proposed interim arrangements to be put in place following the Chief Executive's departure and prior to a new Chief Executive taking up post.

Prior to the officer presentation, the Provost led tributes to Mrs Patterson, thanking her for her service to the Council and for her support over many years. He highlighted a number of her key achievements, including her work on the Haddington Town Centre Vision, the purchase of the former Cockenzie Power Station site, and her leadership during the COVID-19 pandemic, and he thanked her for her support to him in his role as Council Spokesperson for Economic Development and Tourism. He commended Mrs Patterson on her resilience and thoughtfulness, and he wished her well in her retirement.

Councillor Hampshire echoed those sentiments, mentioning some of the challenges that Mrs Patterson had faced as Chief Executive, such as the pandemic and the difficult financial position of the Council. He also touched on the complex negotiations involved in the acquisition of the Cockenzie site, and those of the Queen Margaret University site. He commented that East Lothian had a bright future because of these achievements, and he wished Mrs Patterson a long and happy retirement.

A number of other Members also paid their tributes to Mrs Patterson, commending her for her leadership style and her contribution to the work of the Council.

Mrs Patterson responded, stating that she was proud to have worked for the Council for fifteen years, serving as Chief Executive for five. She paid tribute to the commitment and dedication of the staff, commenting that they were responsible for the Council's success. She also thanked her management colleagues for their support, and the Elected Members for their positive working relationships with officers.

The Service Manager for People and Corporate Support, Paul Ritchie, then presented the report, advising of the process for recruiting a new Chief Executive, which was now underway. He also sought approval of the appointment of the Head of Corporate Support as the interim Returning Officer for East Lothian. Mr Ritchie wished Mrs Patterson well in her retirement.

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

### **Decision**

The Council agreed:

- i. to note the contents of the report;

- ii. to appoint the Council Leader, Councillor Hampshire; the Provost, Councillor McMillan; the Depute Council Leader, Councillor Akhtar; Councillor Jardine; and Councillor McGuire as the Chief Officer and Head Teacher Appointments Sub-Committee;
- iii. to note that, following the departure of Monica Patterson as Chief Executive, there would be a period whereby there would be an absence of the Chief Executive (Head of Paid Service), and therefore to delegate to the Head of Corporate Support, following consultation with the Council Leader and political group leaders, to put in place interim arrangements to cover the role of Chief Executive (Head of Paid Service) for this absence prior to a new Chief Executive taking up position; and
- iv. to approve the appointment of the Head of Corporate Support as interim Returning Officer for East Lothian.

**8. SUBMISSIONS TO THE MEMBERS' LIBRARY SERVICE, 14 OCTOBER – 24 NOVEMBER 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 October 2024.

**Decision**

The Council agreed to note the reports submitted to the Members' Library Service between 14 October and 24 November 2024, as listed in Appendix 1 to the report.

**SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION**

The Council unanimously agreed to exclude the public from the following business containing exempt information by virtue of Paragraph 6 of Schedule 7A to the Local Government (Scotland) Act 1973.

**Winterfield Golf Club**

A private report seeking approval for the terms of a new lease agreement with Winterfield Golf Club was approved.