



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

**TUESDAY 25 FEBRUARY 2025  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON  
AND VIA HYBRID MEETING FACILITY**

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### **Committee Members Present:**

Councillor S Akhtar	Councillor C McGinn
Councillor R Bennett	Councillor G McGuire
Councillor F Dugdale	Councillor S McIntosh
Councillor J Findlay	Councillor K McLeod
Councillor A Forrest (Convener)	Councillor L-A Menzies
Councillor N Gilbert	Councillor B Ritchie
Councillor N Hampshire	Councillor T Trotter
Councillor L Jardine	Councillor C Yorkston
Councillor C McFarlane	

### **Council Officials Present:**

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 R Edgar, Team Manager – Policy and Strategy (Planning)  
Mr P Forsyth, Project Manager – Growth and Sustainability  
Mr D Henderson, Service Manager – Service Accounting  
Mr M Mackowiak, Planner  
Mr G Marsden, Project Manager – Growth and Sustainability  
Ms C Molloy, Project Manager

### **Visitors Present:**

Douglas Shirlaw, Chief Digital Officer, CoSLA

### **Clerk:**

Mrs L Gillingwater

### **Apologies:**

Councillor E Allan

Councillor L Bruce  
Councillor C Cassini  
Councillor D Collins  
Councillor J McMillan

### **Declarations of Interest/Transparency Statements:**

Item 7: Declaration of Interest – Councillor Hampshire advised that he was a Director of the Joint Venture, and that he would be leaving the meeting at 12 noon.

Item 12: Declaration of Interest – Councillor Forrest advised that as he was a Trustee of the Fisherrow Trust, and as he had assisted both Musselburgh Tennis Club and The Hollies, he would leave the meeting for the duration of that item.

The clerk 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.

### **Order of Business**

The Depute Provost announced that Items 8 and 9 on the published agenda would be heard after Item 1.

#### **1. MINUTES FOR APPROVAL**

The minutes of the following meetings of East Lothian Council were approved:

- (a) Special East Lothian Council, 12 November 2024
- (b) East Lothian Council, 10 December 2024

#### **8. MOTION: MOTION IN SUPPORT OF A GLOBAL FOSSIL FUEL NON-PROLIFERATION TREATY**

A motion was submitted by Councillors McIntosh and McMillan:

##### *Preamble*

1. Weather records have now confirmed that 2024 was the first year in which the planet was consistently more than 1.5C higher than pre-industrial baseline temperatures, indicating that the goal of the Paris agreement to keep warming below that threshold, is in jeopardy.<sup>1</sup>
2. East Lothian Council declared a Climate Emergency in 2019 and a Nature Emergency in 2023. Council also voted unanimously in 2022 to write to the Lothian Pension Fund expressing support for divestment of the fund's public

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<sup>1</sup> <https://www.metoffice.gov.uk/about-us/news-and-media/media-centre/weather-and-climate-news/2025/2024-record-breaking-watershed-year-for-global-climate>

sector pension investments from businesses whose activity is the extraction and burning of fossil fuels. LPF has since increased the value of its shares in fossil fuel companies.<sup>2</sup> Recent strategies like the Local Economy Strategy, LHEES strategy, the Local Housing Strategy, the Tree and Woodland Strategy and two plans currently under development – the Local Development Plan 2 and the updated Climate Change Strategy – have all provided a chance for Members to debate the climate crisis and East Lothian's response to it. We know we need to do things differently if we are to pass on a thriving county to future generations.

3. The scientific consensus is clear that human activities are primarily responsible for accelerating global climate change, and that the climate crisis now represents one of the preeminent threats to global civilization.
4. The International Energy Agency stated in its May 2021 report "Net Zero by 2050" that in order to reach that goal there should be no new oil or gas fields, or new coal mines, as of that moment.<sup>3</sup> The Paris Climate Agreement is silent on coal, oil and gas, an omission with respect to the supply and production of fossil fuels (the largest source of greenhouse gases) that needs to be collectively addressed by other means.
5. A new global initiative is underway calling for a Fossil Fuel Non-proliferation Treaty.<sup>4</sup> Although a treaty text has not yet been agreed, the campaign follows three principles:
  - a. plan the end of new fossil fuel exploration and expansion;
  - b. phase out existing production in line with the global commitment to limit warming to 1.5°C; and
  - c. accelerate equitable transition plans globally.
6. Support for a treaty has been pledged by 14 national governments, the World Health Organisation, the European Parliament, 10 indigenous nations, and hundreds of local governments including Edinburgh, Glasgow, and North Ayrshire.
7. East Lothian has a part to play in all three of the demands from the Treaty campaign:
  - a. End new fossil fuel exploration: the huge development of renewable generation in East Lothian provides alternative energy sources that mean we have no need to drill in new sites for fossil fuels;
  - b. Phase out existing production: the energy generated in East Lothian through renewables (and Torness, until 2030) can provide energy as fossil fuel extraction falls. The potential for heat recovery from industrial sources and large-scale district heating will cut demand for oil and gas, and provide huge economic opportunity to residents and investors alike;
  - c. Accelerate equitable transition plans globally: the recent redundancy announcements at Grangemouth show why it is so important to plan the energy transition and not leave workers at the mercy of market forces. All levels of government have a part to play to ensure that skilled job opportunities match up to availability of skilled workforce and no one is left behind.

Therefore, East Lothian Council:

- Recognises the severity of the global climate crisis and the vulnerability of East Lothian, as a coastal and agricultural county, to the effects of climate breakdown;

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<sup>2</sup> <https://www.scotsman.com/news/politics/lothian-edinburgh-fossil-fuels-pensions-4734881>

<sup>3</sup> <https://www.iea.org/reports/net-zero-by-2050>

<sup>4</sup> <https://fossilfueltreaty.org/>

- Notes that the effects of climate change are likely to fall disproportionately on those who are already more vulnerable, and that this is true locally as well as globally;
- Notes also that East Lothian is uniquely placed to deliver clean energy in a post-fossil fuel economy and that the Just Transition has the potential to create high-quality jobs in East Lothian, as well as secure and affordable heat and electricity;
- Endorses the calls for a Global Fossil Fuel Non-proliferation Treaty and calls upon the Scottish and UK governments, as well as CoSLA, to do the same.
- Asks that the Leader of the Council writes to the First Minister of Scotland, to the UK Secretary of State for Net Zero, and to the Leader of CoSLA, to ask them publicly to endorse the principle of a treaty based on three pillars: non-proliferation; a fair phase-out of fossil fuels; and a just transition.

Councillor McIntosh presented the motion, making reference to a recent decision by the UK Government not to pursue the opening of the Rosebank and Jackdaw oil fields in the North Sea. She explained that the phasing out of fossil fuels and the just transition to renewable energy was not happening as quickly as required, and that supporting the principles of the non-proliferation treaty, as a number of other local authorities had already done, was in keeping with the Council's declaration of a climate emergency and a nature emergency, and would also support the wellbeing of future generations.

In the absence of the Provost (who had signed the notice of motion), Councillor Menzies seconded the motion.

In accordance with Standing Order 11, Councillor Hampshire moved that the motion be continued to allow for further discussion to take place at the cross-party group on climate change and sustainability as regards the potential implications that the motion would have on the Council, the economy and communities.

Councillor McLeod seconded the motion to continue this item.

The Depute Provost moved to the vote on the motion to continue the item:

For (12):	Councillors Akhtar, Bennett, Dugdale, Findlay, Forrest, Hampshire, McFarlane, McGinn, McGuire, McLeod, Ritchie, Yorkston
Against (5):	Councillors Gilbert, Jardine, McIntosh, Menzies, Trotter
Abstentions (0)	

### **Decision**

The Council agreed to continue the motion.

## **9. MOTION: LOCAL HEAT AND ENERGY EFFICIENCY STRATEGY: APPLICATION FOR SCOTTISH GOVERNMENT SUPPORT**

A motion was submitted by Councillors Jardine and McIntosh (an amended version of which had been circulated in advance of the meeting):

In October 2024, East Lothian Council unanimously approved the Local Heat and Energy Efficiency Strategy and Delivery Plan. One of the recommendations agreed to was 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.’ The report also noted, under ‘Resource Implications’ (Section 6.1 of that report) the fact that ‘without Scottish Government funding the Council’s actions could be limited.’ Since then, the East Lothian Community Benefits Organisation, through a generous donation of community benefit money from East Lammermuir Community Council, have commissioned and begun a feasibility study, at no cost to the Council.

The Scottish Government’s Heat Network Support Unit (HNSU) exists to provide support, guidance and, where appropriate, funding, for local authorities engaged in exploration of heat network potential. Only local authorities (not community groups or businesses) can make the application to unlock any of this support. Therefore, any access to HNSU expertise and future financial assistance is dependent upon East Lothian Council making such a formal application.

This motion calls for Members to:

- Welcome the opportunity for Members to visit Midlothian’ Energy’s Heat Centre on 25 March 2025 to further explain the technology involved in supplying district heating.
- Recognise the success of residents from Tynninghame, Crowhill Steading (near Innerwick) and Mainhill Steading (near Morham) in securing consultancy support via Local Energy Scotland to undertake local heat network feasibility studies.
- Acknowledge the generosity of East Lammermuir Community Council for the funding that they have made available to East Lothian Community Benefits to commission a feasibility study on a large-scale district heat network for East Lothian. This study commenced in mid-January 2025 and is expected to take 4–6 months.
- Also acknowledge the financial contribution being made by Scottish Enterprise towards the cost of this feasibility study.
- Note that officers have engaged with East Lothian Community Benefits and the project’s Steering Group on this community-led feasibility study and agree that this engagement and support should continue.
- Require that Officers engage with the Scottish Government’s Heat Network Support Unit to work towards formal support following the outcome of the district heating feasibility study and a smaller heat network proposal being explored by Pencaitland Community Council. Officers should report on outcome of engagement to the Climate Crisis Cross Party Group and Council in April.

Councillor Jardine presented the motion, calling on the Council to support the ‘can-do’ approach and commitment of local communities as regards harnessing district heating and waste heat from energy technologies. With some rural communities not having access to the gas network, she recognised that they were looking at efficient ways of addressing rising fuel costs. She also noted the importance of tackling the climate crisis by harnessing proven technology and working in new ways to solve both local and global problems. Anticipating that the Administration would be unwilling to take on any risk in relation to this matter, she stated that she was not proposing that any particular organisation takes on any risk other than that already committed through the commissioning of a feasibility study. She concluded by stressing that the motion sought only to give officers a steer on the need to continue work on

this matter and to engage with the Heat Network Support Unit to get clarification on how support could be secured; should the feasibility study have merit in pursuing, the Council could then discuss its role in the development of ideas. She called on the Council to support the amended motion.

Seconding the motion, Councillor McIntosh expressed her disappointment that the motion would likely be continued, and that opportunities for funding to progress work on district heat networks would be missed. She urged the Council to seek Scottish Government support and to listen to ideas coming forward that would help tackle fuel poverty. She saw no reason to continue the motion.

In accordance with Standing Order 11, Councillor Hampshire moved that the motion be continued, to allow for full consideration of its detail and impact. He expressed concern that any risks associated with such a project would sit with the Council, and that the Council was not currently in a financial position to take on this risk.

Councillor McLeod seconded the motion to continue this item.

The Depute Provost moved to the vote on the motion to continue the item:

For (12):	Councillors Akhtar, Bennett, Dugdale, Findlay, Forrest, Hampshire, McFarlane, McGinn, McGuire, McLeod, Ritchie, Yorkston
Against (5):	Councillors Gilbert, Jardine, McIntosh, Menzies, Trotter
Abstentions (0)	

### **Decision**

The Council agreed to continue the motion.

## **2. QUARTER 3 FINANCE 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 December 2024.

The Service Manager for Service Accounting, David Henderson, presented the report, updating the Members on the current position as regards General Services Revenue, efficiency savings, additional funding received from the Scottish Government, the overspend relating to the Integration Joint Board (IJB), the Council's capital programme, and the Housing Revenue Account (HRA).

Responding to questions from Councillor Jardine as regards the IJB's position, Mr Henderson noted that it was for the IJB to determine how to use its reserves, but at this point in time the level of reserves was not sufficient to mitigate the overspend – any remaining overspend would need to be met by both partners. He advised that there had been increased scrutiny of the IJB and recruitment was reviewed on a weekly basis, with posts only being approved where there were compelling reasons. He pointed out that some savings had already been delivered, but others would take longer to achieve. The Council's budget had included significant investment in IJB services in order that statutory responsibilities could be met. Mr Henderson mentioned that work to deliver services at a lower cost and to manage risk levels was ongoing.

Councillor Findlay requested further detail on income generation. Mr Henderson highlighted a number of initiatives already in place and noted that more would come forward in due course. As regards the introduction of parking charges in North Berwick, the amount of income generated would depend on when the scheme is introduced.

Councillor Trotter asked about the impact of staffing underspends on services. Mr Henderson referred to approved mitigation measures, noting that posts would only be filled if there was a detrimental impact from not doing so. He noted that there had been impacts on some services, such as libraries (albeit library hours would be increased from 1 March) and community centres. He also made reference to recruitment challenges for some posts, such as accountants.

Councillor Akhtar asked about the support in place for Health and Social Care services. Mr Henderson indicated that the additional funding from the Council would help address the current challenges, but that it was premature to discuss specifics in advance of the NHS offer being confirmed.

Councillor Gilbert raised questions in relation to the asset review and the financial position of services within Infrastructure. Mr Henderson advised that officers were currently looking at a place-based approach as regards the asset review, and a report would be presented to Council in August. Tom Reid, Head of Infrastructure, added that the review of 29 assets would be completed by August, but the review would continue beyond that date. On Infrastructure services, Mr Henderson pointed out that some areas were overspent due to operational pressures, while others were underspent due to job vacancies. He assured Councillor Gilbert that statutory services were prioritised and that the impact on service delivery was minimal.

Responding to questions from Councillor Menzies on housing matters, Mr Henderson noted that there was an issue with utility meters in void properties, but that energy companies were being lobbied about this. He explained that the number of void properties had reduced by 25% in the last 12 months. On the overspend within Community Housing, he advised that there were two main pressures: undelivered private sector housing grant savings and homelessness; additional funding allocated in the budget would help reduce these pressures.

Councillor McIntosh asked for further detail on energy efficiency work. Wendy McGuire, Head of Housing, advised that the new energy efficiency standards guidance was not available yet, but the Council had been prioritising its 'fabric first' approach as part of the modernisation programme, focusing on doors, windows, roofs and roughcasting. She added that solar panels could also be included in this, and the Council was looking at this with a view to improving energy efficiency. She also noted that any new housing stock had to meet the housing quality standard, which covered energy efficiency, and that the modernisation programme funding could be used for this purpose.

Members welcomed the improved financial position and investment in areas under pressure, but recognised that there would be significant financial challenges ahead due to increasing demand, particularly regarding children's services and health and social care services. Staff were thanked for their efforts in delivering efficiency savings.

## **Decision**

The Council agreed:

- i. to note the outcome of the Quarter 3 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 while the risk environment remains heightened;
- 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. CHIEF SOCIAL WORK OFFICER ANNUAL REPORT 2023/24**

A report was submitted by the Chief Social Work Officer presenting the Chief Social Work Officer Annual Report for 2023/24.

The Chief Social Work Officer, Lindsey Byrne, presented the report, drawing attention to the range of duties undertaken by social work services, and the challenges facing the service as regards growth in East Lothian, as well as the recruitment and retention of social work staff.

In response to questions from Councillor Trotter, Ms Byrne provided an explanation of resilience, and advised that there were ongoing efforts to increase people's networks and manage their day-to-day challenges so that they did not need support from agencies. As regards children with disabilities, Ms Byrne stressed the importance of understanding the needs of the child and their family, noting that families were supported by the Disability Services team.

Councillor Ritchie asked about the figures relating to kinship care. Ms Byrne advised that additional investment had been put into this area; she welcomed the downward trend and was confident that the figures provided were accurate.

Responding to questions from Councillor McIntosh, Ms Byrne confirmed that she was closely involved with CoSLA's national recruitment campaign for fostering. She reported that more families in East Lothian were putting themselves forward for fostering, and she hoped that the national campaign would lead to an increase in these numbers. On care at home for children with disabilities, she pointed out that there had been a lack of provision in this area since the pandemic. She added that provision was based on assessed need, and that other methods of supporting families, such as respite and community support, were being used. She offered to provide additional information on children's day care provision in her next report to the Policy & Performance Review Committee.

Councillor Dugdale made reference to recruitment challenges and asked how this was being addressed. Ms Byrne indicated that this was an issue across all social work services in Scotland, and that the Scottish Government had established a new agency which would be looking at initiatives to bring people into the profession. She stressed that supporting and retaining staff were priorities, and that there was a greater focus on workload, learning and development.

Councillor Menzies asked a number of questions relating to justice social work. Ms Byrne advised that the Council was invested in the Equally Safe Strategy, but that it was difficult for her to quantify the impact and use of gendered lenses that the Equally Safe work would have on sentencing; however, East Lothian's Equally Safe Group would ensure that gendered lenses would impact all services at the earliest opportunity so that misogyny and patriarchy, etc. could be tackled. On domestic violence, Ms Byrne indicated that it was difficult for social workers to influence the disposal of a court, but she stressed that social workers would never suggest solely unpaid work for a domestic aggravated offence and would seek to do work with the offender on their behaviour. Data on offender numbers was collected and could be shared with Members. Ms Byrne also mentioned that it could be difficult to find unpaid work



opportunities for offenders; she didn't think there would be a direct correlation between unpaid work arrangements and the forthcoming PVG changes.

Councillor Jardine asked questions about the adult support inspection. Ms Byrne noted that things had moved on since 2023/24, with a multi-agency group now in place under the East Lothian and Midlothian Public Protection Committee, and that the Care Inspectorate's multi-agency audit tool was being used for adult protection work in East Lothian. On the rollout of trauma-informed practice, Ms Byrne believed that any staff who work with members of the public would benefit from training in this area, and she would continue to promote this, noting that the Council Management Team were committed to East Lothian being a trauma-informed council.

Opening the debate, Councillor Jardine welcomed the report and praised the leadership for their critical and valuable work. She indicated that she would like to explore some aspects of this service further at PPRC.

Councillor McFarlane spoke of the positive cross-service collaboration. Councillor Ritchie echoed these comments, paying tribute to officers, and to the work of the Champions Board, and Who Cares? Scotland, for their efforts to keep young people with their families.

With reference to the breadth of work carried out by Social Work staff, Councillor Dugdale was heartened by the results of recent inspections, and thanked staff for their hard work. She spoke of recruitment and retention challenges in this area but was reassured that work was underway to address this issue.

Councillor Menzies highlighted the importance of the trauma responsive approach, and the impact that this could have on staff.

Councillor McGinn welcomed the report and commended Ms Byrne and her staff for their efforts in ensuring that vulnerable people were looked after and supported.

Councillor Akhtar noted that there had been an 8% increase in referrals from the previous year, and that many of those referred had complex needs. She praised the robust approach taken as regards adult support and protection.

## **Decision**

The Council agreed to note the content of the 2023/24 Annual Report of the Chief Social Work Officer and its implications for the provision of social work services in East Lothian and their role in assuring the safety and welfare of vulnerable children and adults across the county.

## **4. EAST Lothian LOCAL DEVELOPMENT PLAN 2018: ACTION PLAN DELIVERY PROGRAMME UPDATE 2025**

A report was submitted by the Chief Planning Officer seeking approval of the Local Development Plan (LDP) 2018 Delivery Programme Update 2025 prior to its publication and submission to Scottish Ministers. In line with the direction given by the Chief Planner, the current 2020 LDP Action Programme would be converted into a Delivery Programme, as required under the 2019 Planning Act. The Delivery Programme Update 2025 reports progress in achieving the key stages of each project included in the Action Programme previously approved by Council in 2020.

The Chief Planning Officer, Keith Dingwall, presented the report, noting that there were no new policies or proposals included in the report, and that the Action Programme was presented for review.

In response to a question from Councillor Menzies as regards the design of developments, Mr Dingwall indicated that this was an important aspect, and that the new design standards would help as regards design quality.

Councillor McIntosh asked how the preparation of the Action Programme would inform the Council's approach to LDP2. Mr Dingwall noted that lessons had been learned from LDP1, for example around the provision of employment land – for LDP2 it would be more difficult for developers to argue that sites were not financially viable, as information on financial viability would be a pre-requisite for proposing potential sites.

On the 'infrastructure first' approach, Mr Dingwall advised that the cost of providing infrastructure and ways of minimising the cost to the Council would be taken into account when recommending sites for LDP2.

Councillor Jardine asked about future windfarm developments. Mr Dingwall explained that the study referred to was now out of date and that a further capacity study was planned. He also made reference to other technologies that would be taken into account, such as hydrogen and battery energy storage systems.

Councillor Trotter asked for assurance that there would be no developments within flood risk areas. Mr Dingwall stressed that this was an important material consideration, but that each planning application had to be considered on its own merits.

On the issue of Local Place Plans (LPPs), raised by Councillor Findlay, Mr Dingwall advised that these were now part of the planning system and that communities, supported by the Council's Planning Service, were doing good work in devising these plans. He pointed out that while the Council should have regard to LPPs, it did not have to adopt them. He added that the deadline for submitting LPPs had passed and officers now had to progress the LDP.

On the progress of LDP2, Mr Dingwall explained that the Evidence Report was currently with the Scottish Government, and officers were now progressing with the preparation of the new LDP. He was not able to provide definitive reporting timescales at this time.

Members welcomed the progress made with the LDP Action Programme, particularly as regards the delivery of new affordable housing and the train station at East Linton. However, it was noted that some areas may need additional support with devising Local Place Plans, and that the provision of infrastructure and services would need to be in place to support growth.

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

## **Decision**

The Council agreed to approve the Local Development Plan 2018 Delivery Programme Update 2025 for publication and submission to Scottish Ministers.

## **5. REVIEW OF STANDING ORDERS**

A report was submitted by the Executive Director for Council Resources seeking approval of proposed changes to the Standing Orders, Scheme of Administration and Scheme of Delegation, and to the addition of the Councillor/Officer Protocol as a Standing Orders Supporting Document.

The Head of Corporate Support, Hayley Barnett, presented the report, providing a summary of the proposed changes.

Councillor McIntosh questioned Ms Barnett on what would happen should the hybrid meeting system fail during a meeting. Ms Barnett indicated that she would expect the meeting to be adjourned to allow time for the issue to be resolved; however, if this could not be achieved and there remained a quorum in the Chamber then the convener could proceed with the meeting.

In response to questions from Councillor Menzies, Ms Barnett explained that conveners had additional responsibilities and required to be in the Chamber to manage the meeting effectively; in addition, they would be supported in the room by the legal adviser, Monitoring Officer and clerk. She added that the Council had taken steps to encourage participation/representation, including introducing hybrid meetings, starting meetings at 10am, and not holding meetings during recess periods. She further advised that should the convener and depute convener of a scrutiny committee be unable to attend in person, the committee would select a convener for the meeting from among those in the room; it was expected that this would be an opposition councillor. As regards the definition of 'exceptional circumstances' with respect to the submission of amendments, Ms Barnett noted that in Local Government Standing Orders, there was no definition provided and that it was at the discretion of the convener to determine whether or not there were exceptional circumstances.

With reference to the Councillor/Officer Protocol, Councillor Gilbert questioned Section 3.3, which stated that Members should 'represent the views of local residents fairly and without prejudice'. Ms Barnett advised that this wording was included in both Scottish Government and Local Government Association guidance, but noted that Members did not have to represent the views of every person. On Section 6.1 of the same document (relating to communication with Members), Councillor Trotter asked what would constitute 'additional responsibilities'. Ms Barnett advised that this could relate to the Council Leader, Provost or Cabinet Spokesperson, etc. having received briefings or advice because of their specific role.

Opening the debate, Councillor Menzies felt that the Council was not fully representative of the communities it served, and that barriers should not be put in the way of representation. She commented that there were some shortcomings with the hybrid system and that there had to be a balance as regards additional responsibilities, such as chairing committees.

Councillor Akhtar remarked that representation had improved during her time as a Councillor, and women were supported to carry out their Council roles alongside their caring responsibilities.

Councillor McIntosh welcomed the introduction of substitutes on the scrutiny committees. She suggested that the introduction of proxy voting and questions to the Administration should be considered in future.

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

## **Decision**

The Council agreed:

- i. to approve the proposed changes to the Council's Standing Orders, Scheme of Administration and Scheme of Delegation (as set out in Appendices 1-3 of the report); and

- ii. to approve the addition of the Councillor/Officer Protocol (attached as Appendix 4 to the report) as a Standing Orders Supporting Document.

**6. NOMINATION OF THE VICE-CONVENER AND RENEWAL OF THE TERM OF OFFICE FOR COUNCILLOR MEMBERS OF THE EAST LOTHIAN INTEGRATION JOINT BOARD**

A report was submitted by the Executive Director for Council Resources seeking approval of the nomination of Councillor Akhtar as Vice-Convener of the East Lothian Integration Joint Board (IJB), with effect from 1 April 2025, and to renew the term of office for three of the Council-appointed members of the IJB, with effect from 23 June 2025.

The Clerk presented the report, advising that, in accordance with the Scheme of Integration, the Council was required to nominate a Vice-Convener of the IJB for the period 1 April 2025 to 31 March 2027, and it was proposed that Councillor Akhtar be nominated for this role. In addition, the term of office for Councillors Akhtar, Jardine and McFarlane required to be renewed.

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

**Decision**

The Council agreed:

- i. to approve the nomination of Councillor Shamin Akhtar as Vice-Convener of the East Lothian Integration Joint Board, to take effect from 1 April 2025 until 31 March 2027; and
- ii. to approve the renewal of the term of office for the following Council-appointed members of the IJB: Councillors Akhtar, Jardine and McFarlane, to take effect from 23 June 2025.

**7. EAST LOTHIAN COUNCIL/QUEEN MARGARET UNIVERSITY JOINT VENTURE AGREEMENT: PROPOSAL TO AMEND ARTICLES OF ASSOCIATION**

A report was submitted by the Executive Director for Place proposing (1) an amendment to Article 5 of the Articles of Association of the Joint Venture Co, and (2) seeking consent for a variation to the Joint Venture Agreement between East Lothian Council and Queen Margaret University (QMU).

The Project Manager, Catherine Molloy presented the report, setting out the proposed amendment to Article 5, as set out in Appendix 1 to the report, and the variation to the Joint Venture Agreement, as set out in Appendix 2. These changes would allow for continuity of business and reduce the likelihood of a breach of the Joint Venture Agreement.

Responding to questions from Councillor McLeod, Carlo Grilli (Service Manager for Governance) advised that there was no provision for a casting vote in terms of the JV Agreement, but there were resolution provisions in place. Ms Molloy reminded Members that the Council had invested £10m in this project, and so it had priority on any profit share as regards the operational success of the Innovation Hub and the disposal of the land; QMU had no right to receive financial reimbursement as they had put no money into the project.

Councillor Menzies asked about the scrutiny arrangements in the event that decisions were taken by only one director from each party. Ms Molloy explained that decisions were not taken in isolation, and that there was collaboration with the Council and QMU, and through the City Region Deal governance arrangements, so checks and balances were in place.

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

### **Decision**

The Council agreed to ratify the amendment to Article 5 of the Articles of Association and give consent to the variation of the Joint Venture Agreement between East Lothian Council and Queen Margaret University.

### **10. SUBMISSIONS TO THE MEMBERS' LIBRARY SERVICE, 25 NOVEMBER 2024 TO 9 FEBRUARY 2025**

A report was submitted by the Executive Director for Council Resources noting the reports submitted to the Members' Library since the meeting of the Council in December 2024.

Councillor Akhtar welcomed the work underway at Athelstaneford Park (Ref: 10/25).

### **Decision**

The Council agreed to note the reports submitted to the Members' Library Service between 25 November 2024 and 9 February 2025, as listed in Appendix 1 to the report.

## **SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION**

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

### **Cockenzie Power Station Site – Update**

A private report updating the Council on the current position relating to developments at Cockenzie and seeking authorisation to appoint a developer to undertake investigatory work and technical studies at the coal yard site was approved.

### **Common Good Applications**

A private report seeking determination of three applications for Common Good funding applications was approved, with funding being awarded as follows: Musselburgh Tennis Club – £14,000; Fisherrow Trust – £16,734; The Hollies – £9,999.