



MINUTES OF THE MEETING OF THE CABINET

TUESDAY 14 MAY 2024
VIA A DIGITAL MEETING FACILITY

Cabinet Members Present:

Councillor S Akhtar	Councillor F Dugdale
Councillor A Forrest	Councillor N Hampshire (Convener)
Councillor C McGinn	Councillor J McMillan

Other Councillors Present:

Councillor L Bruce	Councillor J Findlay
Councillor S McIntosh	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 N McDowell, Head of Education
Ms L Byrne, Head of Children's Services
Ms C Rodgers, Head of Communities
Mr K Dingwall, Service Manager - Planning
Mr S Cooper, Service Manager - Communications
Mr C Grilli, Service Manager – Governance
Mr P Vestri, Service Manager – Policy, Performance & Organisational Development
Mr J Coutts, Service Manager – Community Housing & Homelessness
Ms Z Rathe, Team Manager – Information Governance
Ms E Clater, Service Manager – Children & Young People Community Resources
Ms S Cheyne, Projects Officer - Landscape
Mr N Morgan, Outdoor Access Officer
Ms J Squires, Planner (Policy & Projects)
Ms S Fitzpatrick, Team Leader – Licensing & Landlord Registration

Clerk:

Ms F Currie

Apologies:

Declarations of Interest:

None

The Convener advised Members that, under the terms of Standing Order 5.4, the report for Item 4: ELC Transformation Strategy, had been called in. In accordance with this process, this item of business had been withdrawn from this Cabinet agenda and would be referred to the next ordinary meeting of Council for consideration.

1. MINUTES FOR APPROVAL: CABINET, 12 MARCH 2024

The minutes of the meeting of the Cabinet on 12 March 2024 were approved.

2. CIVIC GOVERNMENT LICENSING

A report was submitted by the Executive Director for Council Resources informing Cabinet of the results of the independent review of the Civic Government licensing fees and seeking approval to set the Civic Government Fees as set out in this report.

The Service Manager – Governance, Carlo Grilli, presented the report summarising the background and outcome of the fee review and the methodology to be used in calculating fees going forward. The new fee structure, if approved, would take effect from 1 June 2024.

Mr Grilli responded to a question from Councillor Forrest providing further information on DVLA categories for taxi drivers and how these would impact on the requirements for licensing.

The Team Leader – Licensing & Landlord Registration, Sheila Fitzpatrick, replied to a question from Councillor McGinn on the licensing of dog breeders.

Councillor McGinn thanked officers for taking on board the comments of Elected Members and engaging in further consultation with stakeholders. He also commented on concerns raised around an increase in dog breeding across the county and the need for further discussion on this matter. Lastly, he made a plea for the setting up of a functioning Taxi Drivers and Owners Association and he encouraged taxi drivers and business owners to come forward and work with officers to help deliver this.

Councillor Forrest echoed his colleagues' remarks and offered his particular thanks to officers for the additional engagement work on this report.

Councillor McMillan echoed his thanks to officers for their further work on this report and encouraged taxi drivers, owners, and others such as window cleaners to be mindful of the need to meet regulations and to strive to deliver a good service across East Lothian.

The Convener concurred with all remarks and added that safety was also an important consideration. He commended the work on the fee review, and he hoped that the report would be similarly welcomed in the community.

Decision

The Cabinet agreed unanimously, by roll call vote, to:

- i. approve the proposed fees for the licences as set out in Appendix 2; and
- ii. authorise the Service Manager, Governance to make any necessary alterations to application and guidance documentation required as a consequence of the updated fee levels agreed.

3. DATA PROTECTION POLICY

A report was submitted by the Executive Director for Council Resources informing Cabinet that East Lothian Council's Data Protection Policy had been revised and updated with minor changes in line with its regular scheduled review. Cabinet was asked to approve the updated Policy.

The Team Manager – Information Governance, Zarya Rathe, presented the report outlining the legislative background to the policy and the changes that had occurred since the implementation of the existing policy. She reminded Members that compliance with the policy and legislation was reported annually to the Audit & Governance Committee. She then outlined some of the proposed updates to the policy.

Ms Rathe responded to questions from Councillor McMillan, Councillor McGinn and the Convener. She outlined the impact of home and hybrid working and the challenges involved in managing data and maintaining staff training and awareness. She advised that the Council had implemented digital forms and she agreed to work with Members to develop appropriate digital/online forms for use in constituency enquiries. She also provided information on digital record retention and offered to provide more detailed briefing in a separate forum.

Responding to further questions from Councillor Akhtar and Councillor Dugdale, Ms Rathe outlined the mandatory training which staff were required to undertake and some of the ad hoc resources available to office and school staff. She also provided an update on progress with the development of Information Champions and Microsoft 365 Champions.

Councillor McMillan drew attention to passages within the report highlighting the individual responsibility of Council employees to ensure the secure and compliant processing of personal data. He also highlighted the seven foundational principals of the data protection policy.

Decision

The Cabinet agreed unanimously, by roll call vote, to approve the Council's updated Data Protection Policy

4. ELC TRANSFORMATION STRATEGY 2024-2029

This report was called in under the terms of Standing Order 5.4 and would be referred to the next ordinary meeting of Council for consideration.

5. EAST LOTHIAN CORPORATE PARENTING PLAN 2024-27

A report was submitted by the Executive Director for Education and Children's Services presenting the East Lothian Corporate Parenting Plan 2024 - 2027 to Cabinet for discussion and approval.

The Service Manager – Children & Young People Community Resources, Emma Clater, provided a detailed summary of the report drawing attention to the legislative background and the four key themes within the Plan.

Ms Clater responded to a range of questions from Councillor McGinn and Councillor McIntosh on issues such as apprenticeships, employer recruitment incentives, guaranteeing interviews for care experienced young people, and the ongoing partnerships with Queen Margaret University, Edinburgh College and others. She also spoke of the work being undertaken to get young people involved in the steering group to implement the Corporate Parenting Plan and

helping them to have their voices heard in a way that was comfortable for them. The Head of Childrens' Services, Lindsey Byrne, responded to a question on tracking of outcomes for care experienced and looked after children.

Replying to a question from Councillor Dugdale, the Head of Education, Nicola McDowell, provided details of the work to track educational attainment and maximise the opportunities for care experienced children and young people.

Responding to final questions from Councillor Akhtar and the Convener, Ms Clater acknowledged that Elected Members had a key role in encouraging partners to get involved in corporate parenting work. She offered to provide further advice to Members on how they could support the implementation of the Plan.

Councillor McMillan drew attention to the language used in the Plan and how this also reflected the aims and values of the Council. He emphasised the importance of supporting these young people to achieve their ambitions.

Councillor Dugdale thanked officers for their engagement with families and young people in preparing the plan and said she was reassured by the amount of work going on to help care experienced young people to maximise their opportunities and, most importantly, to thrive.

Councillor McGinn commended the work to reduce to zero the number of young people in secure care. He said he was delighted to hear about the opportunities available for care experienced young people to be supported into further education and employment. He was also pleased to see collaboration and advocacy throughout the Plan, and he thanked all of those who had contributed to it.

Councillor Akhtar noted the level of commitment expressed by officers and Members to supporting and delivering for care experienced young people, and she drew particular attention to the staff at Lothian Villa. She highlighted the importance of promoting initiatives such as Anchor Institutes and supporting families and young people as widely as possible.

The Convener referred to the growing population in East Lothian but noted that the numbers of care experienced young people had not increased, as might be expected. He commended the work of officers in supporting and maximising opportunities for all care experienced young people.

Decision

The Cabinet agreed unanimously, by roll call vote, to endorse and approve the Corporate Parenting Plan 2024 - 2027 and note the responsibilities in the Children and Young People's (Scotland) Act 2014 to prepare, publish and review its Corporate Parenting Plan every three years.

6. BRITISH SIGN LANGUAGE PLAN 2024-2030

A report was submitted by the Executive Director for Place seeking Cabinet approval for East Lothian Council's British Sign Language Plan 2024-2030.

The Service Manager – Policy, Performance & Organisational Development, Paolo Vestri, presented the report. He referred to the first Plan prepared in 2018 and said that the Council was required to publish a second Plan by May 2024. He confirmed that a range of stakeholder groups had been consulted and their views considered when preparing the new Plan. He advised that the Action Plan prepared to accompany the new Plan built on the work of previous years and would continue to evolve throughout the life of the Plan.

Mr Vestri responded to questions from Councillor Bruce, Councillor McIntosh and Councillor Akhtar on the availability of interpreters, the consultation with stakeholders when developing the Plan and the analysis of actions achieved under the previous Plan. He also confirmed that staff within the Health & Social Care Partnership (HSCP) had been involved in the consultation process and the drafting of the Plan and would also be involved in its delivery.

In reply to questions from the Convener and Councillor Dugdale, Mr Vestri agreed to investigate whether a technological solution could be found to allow the deaf community to hear webcast meetings or see transcripts. He also agreed to provide information on the development of technological solutions to assist deaf users of public transport and to seek information from colleagues within the HSCP on future planning for health care services as a result of the growing/ageing population.

Following a question from Councillor McMillan, Mr Vestri advised that there was currently no timeframe for officers to report back on progress with implementation of the Plan. The Convener said he would raise this with the Chief Executive and agree a timescale for a report to be brought forward to Cabinet or Council.

Councillor Akhtar commended the Plan and the collaboration with partner agencies to deliver key actions. She noted that the resource provided to the Council to achieve this work was small and that they should continue to advocate for fair funding which reflected the rate of population growth within the county.

Decision

The Cabinet agreed unanimously, by roll call vote, to approve the East Lothian Council BSL Plan 2024-2030.

7. TENANT PARTICIPATION STRATEGY 2024-27

A report was submitted by the Executive Director for Place seeking approval of the Council's Tenant Participation Strategy as the basis for effective tenant participation between now and 2027.

The Service Manager – Community Housing & Homelessness, James Coutts, presented the report outlining the background and legal requirement for the Strategy. He advised that the Council went beyond what was required to ensure that the Strategy was developed in collaboration with tenants. It set out the format for future engagement with tenants and included an action plan.

Mr Coutts responded to questions from Councillor Forrest and Councillor Akhtar on the development of digital services, efforts to engage with younger tenants and the development of Tenants & Residents Association (TRA) groups across the county.

Councillor Forrest thanked all staff within the service for all of their work to engage with and signpost support to tenants and residents. He encouraged all Councillors to engage with and show their support for their local TRA groups.

Councillor McMillan commended the report and highlighted aims 7 and 8 within the Strategy and the importance of building trust and encouraging active collaboration. He also welcomed the development of further support for underrepresented groups. He said that building an understanding of what people need would help drive actions to improve the service.

Councillor Dugdale said she was pleased to see a truly collaborative approach to the development of the Strategy and the engagement with the Champions Board was particularly welcome. She agreed that TRA groups were helping to build good relationships and she commended all participants for their willingness and hard work.

Councillor Akhtar commended the work of the Haddington East TRA, ELTRAP and others for providing support and advice to tenants and residents, engaging with young people, and helping to deliver wider benefits for local communities.

The Convener concurred with his colleagues' remarks. He welcomed the Strategy and the work to support and give a voice to tenants across the county.

Decision

The Cabinet agreed unanimously, by roll call vote, to:

- i. approve the Tenant Participation Strategy publication in line with legal requirements under the Housing (Scotland) Act 2001.
- ii. recognise that the Strategy is a living document and that as such the action plan in particular will evolve as consultation with tenants and tenant organisations help inform the Council's future plans in this area.

8. PROPOSED TREE AND WOODLAND STRATEGY FOR EAST LoTHIAN

A report was submitted by the Executive Director for Place outlining the key changes made to the Draft Tree and Woodland Strategy for East Lothian as a result of public consultation and to seeking approval for the proposed Tree and Woodland Strategy for East Lothian. The report also asked that Cabinet note the associated Report of Consultation, Environment Report, Habitat Regulations Appraisal/Appropriate Assessment, and Integrated Impact Assessment.

The Projects Officer – Landscape, Sarah Cheyne, provided a detailed summary of the development of the Strategy. She outlined its links to the Local Development Plan, the consultation process, the Strategy's aims and the importance of the Council working with landowners to encourage new tree planting and to preserve and enhance existing trees and woodland.

Ms Cheyne responded to a variety of questions from Members. She provided further information on the protections in place for existing woodland and the involvement of Area Partnerships in agreeing appropriate levels of tree canopy for their own local areas. She also outlined plans for further consultation with all stakeholders in developing more detailed targets and actions once the Strategy was agreed. She also replied to questions on protections for hedgerows, conflicts around access to land and the enforcement of Tree Preservation Orders.

In reply to further questions, Ms Cheyne agreed to increase the emphasis of the section within Strategy document which set out how to report concerns about trees being felled without permission, and what actions could be taken. This information would also be included in the press release accompanying the launch of the Strategy and would be added to the Council's website.

Councillor McGinn said that this was a fantastic paper and he commended the work of all those involved in its development. He felt that the principles and practice within the Strategy would significantly benefit East Lothian for generations to come benefiting both the environment and people's health and wellbeing. He was particularly pleased to see

the references to volunteering and he added that the importance of raising awareness of woodlands as outdoor learning spaces could not be overstated. He commended the work of the countryside ranger service and also highlighted the importance of people seeking advice before felling trees. He said he was delighted to approve this Strategy.

Councillor McMillan also praised the paper and said that the Strategy would undoubtedly help to make East Lothian an even better place to live, work and visit. He commented on the level of thoughtfulness demonstrated within the document and said he was particularly pleased to see references to hedgerows and hutting. He said that this was a comprehensive, aspirational, and action-based document and a hugely positive step for East Lothian.

Councillor Forrest thanked officers for a really excellent report which he was happy to support. He also commended the work of the Musselburgh Area Partnership who had already been involved in tree planting and he said it was good to see a strategy which would help areas to thrive and grow.

The Convener echoed the comments made by his colleagues. He highlighted the importance of the Strategy in relation to planning decisions and in mitigating the impacts of climate change on local trees and woodland. He also pointed to the role of woodland in a variety of areas such as carbon capture, drainage and the local economy, as well as in enhancing urban spaces. He concluded by welcoming the Strategy and encouraging people to work with the Council to ensure that East Lothian had the highest quality of woodland.

Decision

The Cabinet agreed unanimously, by roll call vote, to:

- a) Note the findings of the associated Environment Report, Habitat Regulations Appraisal and Appropriate Assessment and contents of the Consultation Report;
- b) Approve the Tree and Woodland Strategy for East Lothian;
- c) Delegate authority to the Chief Planner, following consultation with the Convener, to amend the Proposed Tree and Woodland Strategy and associated documents in respect of non-material editorial amendments, corrections of factual error and presentational changes. This shall include any changes agreed with NatureScot to meet the terms of the Conservation (Natural Habitats, &c) Regulations 1994; and
- d) Delegate authority to the Chief Planner to prepare and publish the statutory Post-Adoption Statement required by the Environmental Assessment (Scotland) Act 2005 with regard to this strategy.

9. THE EAST LOTHIAN (SCOTTISH OPEN, THE RENAISSANCE CLUB) (EXEMPTION) ORDER 2024

A report was submitted by the Executive Director for Place asking Cabinet to approve the making of an Order under Section 11 of the Land Reform (Scotland) Act 2003, to facilitate the holding of the Genesis Scottish Open 2024 Golf Championship, to be held at The Renaissance Club, Dirleton, East Lothian.

The Outdoor Access Officer, Nick Morgan, presented the report outlining the background and confirmed that the area to be covered by the Order was the same as last year. A range of stakeholders had been consulted, including the Local Access Forum, but no responses had been received. No public access issues were anticipated.

Responding to a question from Councillor McMillan, Mr Morgan advised that the Order did not cover all of the practice days. To request an Order for more than 6 days would require an application to the Scottish Government which could take up to 3 months.

Councillor McMillan welcomed the return of the Scottish Open to The Renaissance Club for another year and highlighted the positive impacts for the local economy and tourism sector. He also commended the work of the Club and the Golf Alliance.

Councillor McGinn echoed his colleague's remarks and thanked Mr Morgan for his efforts. He was pleased to see that this event was growing every year.

Decision

The Cabinet agreed unanimously, by roll call vote, to approve the making of The East Lothian Council (Scottish Open, The Renaissance Club) (Exemption) Order 2024.

10. THE EAST LOTHIAN (BESIEGED, YELLOWCRAIG) (EXEMPTION) ORDR 2024

A report was submitted by the Executive Director for Place asking Cabinet to approve the making of an Order under Section 11 of the Land Reform (Scotland) Act 2003, to facilitate the holding of the Besieged 2024 mediaeval re-enactment, to be held at Yellowcraig, Dirleton, East Lothian.

Mr Morgan presented the report advising Members that this event would take place on 4-9 September and an Order was required as visitors to the neighbouring caravan park often walked their dogs on the land that would be used for the event. The Local Access Forum had been consulted but no issues had been raised. The event organisers were still engaging with the Safety Advisory Group (SAG) and Mr Morgan confirmed that an Order would only be made once the event had met all of the requirements set out by SAG.

Mr Morgan responded to questions from Councillor McMillan confirming that the organiser had arranged car parking in a nearby field so would not be reliant on the Yellowcraig Car park.

Councillor Hampshire noted that the organisers had provided a Traffic Management Plan, but this was not considered to adequately address all factors and they had been asked to rectify this prior to the next SAG meeting. He reiterated the point that if the organisers did not meet the requirements set out by the Group, they may not get approval for their event.

Councillor McMillan commented that this event, if approved, would build on the work of the Historical Society and others in promoting the history of East Lothian and encouraging visitors to historical sites across the county. He was content to vote in favour of an Order being made, subject to the event being given approval by the Safety Advisory Group.

Decision

The Cabinet agreed unanimously, by roll call vote, to approve the making of The East Lothian Council (Besieged, Yellowcraig) (Exemption) Order 2024.

Signed

Councillor Norman Hampshire
Council Leader and Convener of Cabinet