



## MINUTES OF THE MEETING OF EAST LoTHIAN COUNCIL

TUESDAY 27 AUGUST 2019  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

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### Committee Members Present:

Provost J McMillan (Convener)	Councillor C Hoy
Councillor S Akhtar	Councillor W Innes
Councillor L Bruce	Councillor G Mackett
Councillor S Currie	Councillor K Mackie
Councillor F Dugdale	Councillor C McGinn
Councillor J Findlay	Councillor P McLennan
Councillor A Forrest	Councillor K McLeod
Councillor N Gilbert	Councillor F O'Donnell
Councillor J Goodfellow	Councillor T Trotter
Councillor N Hampshire	Councillor J Williamson
Councillor J Henderson	

### Council Officials Present:

Mrs A Leitch, Chief Executive  
Mr A McCrorie, Depute Chief Executive (Resources and People Services)  
Ms M Patterson, Depute Chief Executive (Partnerships and Community Services)  
Mr J Lamond, Head of Council Resources  
Mr D Proudfoot, Head of Development  
Mr T Reid, Head of Infrastructure  
Mrs F Robertson, Head of Education and Children's Services  
Ms S Saunders, Head of Communities and Partnerships  
Mr S Cooper, Team Manager – Communications  
Mr N Craik-Collins, Lead Officer – Curriculum and Estate Development (Education)  
Ms R Crichton, Committees Officer  
Ms C Dora, Executive Officer  
Ms S Fortune, Chief Operating Officer – Finance  
Mr C Grilli, Service Manager – Legal and Procurement  
Ms J Lothian, Sustainable Energy and Climate Change Officer  
Ms K MacNeill, Service Manager – People and Governance  
Mr I McFarlane, Service Manager – Planning  
Ms W McGuire, Team Leader – Strategy and Development  
Ms J Tait, Chief Operating Officer – Children's Services  
Mr P Vestri, Service Manager – Corporate Policy and Improvement

### Visitors Present:

None

### Clerk:

Mrs L Gillingwater

**Apologies:**

Councillor S Kempson

**Declarations of Interest:**

None

**Order of Business:**

*Prior to the commencement of business, the Provost made reference to an additional item of business, concerned with the School Learning Estate Review. The Provost advised that this item had inadvertently been omitted from the agenda as published on 20 August 2019, and that it would be taken immediately following Item 7 on the published agenda.*

**1. MINUTES FOR APPROVAL**

The minutes of the meeting of East Lothian Council held on 25 June 2019 were approved.

**2. MINUTES FOR NOTING**

The minutes of the Local Review Body (Planning) meetings of 16 May and 20 June 2019 were noted.

**3. SUMMARY OF REPORTS APPROVED IN ACCORDANCE WITH SUMMER RECESS ARRANGEMENTS 2019**

A report was submitted by the Depute Chief Executive (Resources and People Services) informing the Council of the urgent business undertaken over the summer recess period in terms of the procedures set out in Standing Order 15.5 and in line with the decision taken at its meeting on 25 June 2019.

The clerk advised that three reports had been approved in accordance with the recess procedures, and these were set out in Section 3 of the report. She noted that all three reports had been published in the Members' Library.

The Provost welcomed in particular the approval of the report regarding town centre funding and thanked all those involved in that project.

**Decision**

The Council agreed to note the business undertaken over the summer recess.

**4. REVIEW OF GOVERNANCE OF COMMON GOOD - UPDATE**

A report was submitted by the Depute Chief Executive (Resources and People Services) updating Council on progress of the Review of the Governance of Common Good.

Kirstie MacNeill, Service Manager – People and Governance, presented the report, reminding Members of the Council's decision in June 2019 to appoint a surveyor to undertake an assessment of the condition of Common Good buildings and a solicitor to examine the title deeds of properties to ensure that all Common Good assets are recorded. She advised that, since that meeting, a cross-party group had been set up to look at

Common Good governance matters, and that the group had met twice. She noted that a new process would be in place by the next meetings of the Common Good Committees whereby members of the committees would be provided with an explanation as to why rejected applications had not met the criteria for funding. Making reference to the complexity of the issues under consideration, she added that the group would continue to meet monthly and that a further report would be presented to Council by the end of 2019.

Councillor Currie emphasised the importance of identifying and maintaining Common Good assets in order that they could be brought into use. He recognised, however, that there may be some limitations on the use of listed buildings. He was of the opinion that the priority for Common Good funds should be the maintenance of assets. His views were shared by Councillor Williamson, who commented on the wide scope of this piece of work and the potential impact on Common Good funds.

Councillor Henderson welcomed the work of officers and the cross-party group in progressing this matter.

### **Decision**

The Council agreed to note the report and that a further report would be brought to Council with recommendations for change, as developed by the cross-party working group.

## **5. 2019/20 QUARTER 1 FINANCE REVIEW**

A report was submitted by the Depute Chief Executive (Resources and People Services) informing the Council of the financial position as at the end of June 2019.

The Head of Council Resources, Jim Lamond, presented the report, informing Members of an overspend of £800k (c. 1.6% of the planned budget) on the General Services budget at the end of the first quarter, signalling that there was a risk of the Council overspending in 2019/20 relative to approved budgets. He noted that all budget-holders had been reminded of the importance of working within their budgets. On General Services Capital, he anticipated that the rate of spending would accelerate during the course of 2019/20, and as regards the Housing Revenue Account, he reported a break-even position for Quarter 1, anticipating that expenditure on new affordable housing and the modernisation programme would be in accordance with approved plans.

Councillor Akhtar asked how the overspend in the Children's Services budget was being addressed. Judith Tait, Chief Operating Officer – Children's Services, advised that the main reason for the overspend was concerned with the number of children in external placements. She explained that improvement plans were now in place, which were aligned with the Education Service, and that all external placements had been reviewed, with a view to returning as many children as possible to East Lothian. Other measures being taken included greater partnership working and benchmarking. Ms Tait noted that a bid to the Cost Reduction Fund to implement prevention and early intervention measures had been successful. She reassured Members that improvements were being implemented, but that it may take time to realise the benefits of those measures.

Councillor McLennan raised questions in relation to efficiencies in the Education Service and the UK's exit from the EU. Mr Lamond reminded him that corporate savings across all Council services were proportionate, and that services were expected to manage vacancies effectively. He accepted that this was more challenging for the Education Service. Fiona Robertson, Head of Education and Children's Services, added that, rather than looking at specific posts, she was looking at how services were being delivered. On Brexit, Mr Lamond advised that there was a group of officers monitoring the risks and mitigation measures, and

that it was difficult to anticipate the impact at this time. He undertook to report back to Council should there be an impact on the delivery of services or Council policy. It was noted that further information on this point would be provided in the Corporate Risk Register, to be reported to Cabinet on 10 September.

In response to a question from Councillor Williamson regarding the budget for the new secondary school in Musselburgh, Mr Lamond advised that design work on this facility was now underway, in conjunction with the Scottish Futures Trust. He had no concerns at this time as to the delivery of the school.

Councillor McLeod asked if Members could be provided with information on the roads programme. Tom Reid, Head of Infrastructure, undertook to provide Members with more details on this programme.

Councillor Currie questioned the budget allocated for Children's Services, given the level of overspend at the end of the first quarter. Mr Lamond advised that controls and cost recovery plans were now in place; should these measures not achieve the required savings, then he would report back to Council.

On early learning spending, Mrs Robertson reported that the 1140 hours initiative was progressing as planned. She offered to provide Members with further information on this.

Councillor Henderson emphasised the need for efficiency savings to be sustainable and asked how this would be achieved. Mr Lamond assured Members that sustainability was a key factor for managers in working within their budgets.

Opening the debate, Councillor Goodfellow highlighted the progress in installing charging points for electric vehicles, noting that the Council had been nominated for a national award for its work in this area.

Councillor Currie expressed concern at the level of overspending within some services at this point in the financial year and at the long-term consequences of recovery action being taken. He suggested that the approved budget should be reconsidered in light of this position. He also warned that the UK's exit from the EU could have a significant impact on the Council, especially regarding the provision of care services, and he called for a report to Council on this matter.

On Health and Social Care, Councillor O'Donnell advised that the Director of that service was looking at different ways of providing services in order to get best value and better outcomes for those in the greatest need. She announced that the Wellwynd Hub in Tranent had been shortlisted by CoSLA for a Service Innovation and Improvement award. She also urged Members to read the IJB Annual Report, and made reference to the workforce plan, which included a strategy to deal with the potential impact of Brexit.

Councillor McGinn thanked Ms Tait for her work in returning children in external residential placements to East Lothian.

Councillor Hampshire concluded the debate by reassuring Members that every effort was being made to reduce the number of children in external placements. He anticipated that the financial position of this service would improve throughout 2019/20.

## **Decision**

The Council agreed to note the financial performance at the end of the first quarter of 2019/20 against approved budgets.

## **6. 2019 EAST LoTHIAN RESIDENTS SURVEY**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) presenting a summary of the main findings of the 2019 East Lothian Residents Survey and identifying some of the planned and potential uses of the survey data.

The Corporate Policy and Improvement Manager, Paolo Vestri, presented the report. He advised that 1680 people had been interviewed for the survey, and that a copy of the results had been made available to Members. He summarised the key results of the survey, which covered: Neighbourhood and Quality of Life; Perceptions of the Council and Public Services; Local Priorities; Community Safety; and Health and Wellbeing.

Mr Vestri responded to questions from Members, confirming that the methodology used was the same as that used by other councils and by market research companies, that it was regulated and robust, that each ward was represented, and that the questions followed the same pattern used by the Council in its survey of 2017. On the observation that there was a high number of 'don't know' responses, he noted that there had been an increase in the number of such responses this year, but that he did not have further detail as to the reasons for this. It was his intention to set up focus groups in order to obtain more detailed information on responses and to ask follow-up questions.

Councillor Henderson remarked that scaling up responses may not always provide accurate information.

Councillor Akhtar welcomed the responses, which she believed demonstrated that there was a strong sense of community within East Lothian and that residents felt that it was a safe place to live. She paid tribute to staff for their delivery of high quality services, and to partner organisations and local community groups for their contributions to their communities. Her comments were echoed by Councillor Hampshire, who added that the results showed that the quality of life in East Lothian was of a very high standard.

Councillor Currie cautioned that the survey was a snapshot in time and had only involved a small proportion of the population, and that the results may not provide a true reflection of people's experiences. He was interested to see further detail on the 'don't know' responses. He thanked staff, partners and community groups for their efforts in providing services.

On the ability of residents to influence decisions, Councillor Goodfellow suggested that this may be related to recent planning decisions which had been made or overturned by the Reporter, thereby going against the wishes of communities.

Councillor McGinn highlighted the positive impact of local voluntary organisations.

Councillor Innes concluded the debate by commenting that the survey provided the Council with an indication of people's views, and that it was important to recognise the positive responses. However, he warned against becoming complacent, especially during challenging times.

### **Decision**

The Council agreed:

- i. to note the main findings of the 2019 Residents Survey presented in the report, as well as the availability of further data at both East Lothian wide and ward level; and
- ii. to note how the data generated by the Residents Survey was being used.

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

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval of proposed changes to the membership of committees and representation on outside bodies.

The clerk advised that the proposed changes had been brought forward by the Conservative Group following the election of Councillor Hoy.

### **Decision**

The Council agreed:

- i. to approve the following appointments to committees:
  - Audit and Governance Committee – Councillor Hoy (replacing Councillor Findlay)
  - Education Committee – Councillor Hoy (replacing Councillor Mackie)
  - Joint Consultative Committee – Councillor Bruce (filling vacancy)
  - Planning Committee – Councillor Mackie (filling vacancy)
  - Police, Fire and Community Safety Scrutiny Committee – Councillor Hoy (replacing Councillor Henderson)
  - Policy and Performance Review Committee (Councillor Hoy (replacing Councillor Henderson))
- ii. to approve the following appointments to outside bodies:
  - SESTRAN – Councillor Hoy (filling vacancy)
  - Lothian Valuation Joint Board and Lothian Electoral Joint Committee – Councillor Findlay (replacing Councillor Henderson)

## **7. SCHOOL LEARNING ESTATE REVIEW**

A report was submitted by the Depute Chief Executive (Resources and People Services) advising the Council of the proposed review of the school learning estate, which would be carried out with a view to adopting a long-term strategic approach to the development and design of the school estate to ensure that it is fit for the future and delivers maximum educational benefits for children in East Lothian.

The Head of Education and Children's Services, Fiona Robertson, presented the report, advising of the need for the Council to undertake a review of the school learning estate in order to meet the challenges presented by an increasing population and the requirements of the Local Development Plan. She made reference to the Council's response to an information request by the Scottish Government relating to the status of the Council's progress in developing a Local Learning Estate Strategy. She also outlined the proposed review process, noting that the review would focus on the primary school estate.

In response to questions from Members, Ms Robertson advised that the review was a large-scale, long-term project, which would involve engagement with the school community, including Parent-Carer Councils, and which would link in with the Local Development Plan.

Councillors Currie and McLennan asked if it would be appropriate for the Education Committee to receive detailed reports and for any recommendations from those to be presented to Council for approval. Ms Robertson noted that it was custom and practice for school consultation reports to be presented to Council, and that this particular review also covered some community assets and was therefore broader than education. The Chief Executive added that there may be aspects of the work that could be reported to the Education Committee, but others that would need to come before Council. She undertook to

provide regular briefings to Members and offer opportunities for Members to provide input into the review.

Councillor Currie reiterated his view that the Education Committee should have a more prominent role in the review, and noted that the SNP Group would reserve their position on this matter.

As Cabinet Spokesperson for Education and Children's Services, Councillor Akhtar noted that she would discuss this matter further with Councillor McLennan. She emphasised the importance of the review as regards developing skills, reducing the attainment gap and increasing resilience, as well as meeting the challenges associated with population growth. She urged communities to engage with the review.

## **Decision**

The Council agreed:

- i. to note the content of the report;
- ii. to grant permission to the Education and Children's Service to undertake a full public pre-consultation exercise on the school estate and a comprehensive review of the school learning estate to ensure that it is fit for the future and fulfils the aspirations of Curriculum for Excellence;
- iii. to develop a Learning Estate Investment Plan (LEIP), taking account of the Council's Asset Strategy and Management Plan 2018-2023, to ensure that all Council assets and service provision are considered within the learning estate review; and
- iv. to agree that following the pre-consultation and the full Council's consideration of its outcomes, the Education and Children's Service would prepare a set of proposals to be considered by full Council.

## **8. NOTICE OF MOTION: EAST LOTHIAN COUNCIL SUPPORT FOR THE CHANGE AND CHECK CAMPAIGN**

A motion was submitted to the Council by Councillors Hoy and Henderson, as set out below:

East Lothian Council congratulates Helen Addis and Lorraine Kelly for the Change and Check Campaign, which sees breast cancer 'reminder' stickers being placed in bathrooms and changing facilities across the UK; believes that Change and Check stickers have been distributed in changing rooms nationwide in stores such as John Lewis and Partners, Asda, Warehouse and David Lloyd gyms and in 10,000 facilities operated by the Metropolitan Police; supports the simple idea of getting people to check for the signs of breast cancer whilst getting changed; and that East Lothian Council commits to placing stickers in changing rooms across all Council facilities, and encourages their display in sports and swimming centres operated by Enjoyleisure.

Councillor Hoy proposed the motion, advising that there were 55,000 diagnoses of breast cancer each year in the UK, with 4,700 of those in Scotland. He highlighted the importance of early diagnosis, noting that mortality rates were falling due to early detection and treatment. He urged the Council to take action to encourage people to check for signs of the disease by way of the Change and Check Campaign, championed by Helen Addis and Lorraine Kelly. This would involve stickers being placed on mirrors and in changing areas within Council facilities. He announced that Bill Axon, the manager of Enjoyleisure had

already pledged support for the campaign and hoped that the Council and local businesses would do likewise.

Councillor Henderson seconded the motion.

Councillor Currie declared that he would support the motion and suggested that the Council's partners, including the East Lothian Partnership, should also support the campaign to raise awareness of breast cancer.

Councillor McLeod welcomed the motion and the NHS breast screening programme.

Summing up, Councillor Hoy thanked Members for their support and welcomed the suggestion to encourage the Council's partners to support the campaign.

The Provost moved to the vote on the motion, which was supported unanimously.

### **Decision**

The Council agreed to approve the motion, as submitted by Councillors Hoy and Henderson.

## **9. NOTICE OF MOTION – COMMUNITY BENEFIT SCHEME**

A motion was submitted to the Council by Councillors Gilbert and Williamson, as set out below:

To establish a cross-party group to be advised of the possibilities of a community benefit scheme arising from the development of the Inch Cape Offshore Wind Farm, the power from which is to be brought ashore at Cockenzie.

Although offshore wind power schemes are provided on a voluntary basis similar developments have provided community benefit schemes throughout Scotland; the Inch Cape Wind Farm has the potential to do likewise. The formation of this group would allow a start to exploring the way forward.

Councillor Gilbert proposed the motion, explaining that for offshore wind farm developments, community benefit contributions were provided on a voluntary basis to the areas affected by the development. He noted that, to date, every offshore wind farm development in Scotland had made funding available for community benefit schemes. He wished to inform the local community of such schemes at an early stage.

Councillor Williamson seconded the motion.

Councillor Innes welcomed the motion and the potential benefits to the local community of such a scheme. However, he believed that there was no need to establish a cross-party group to consider this matter, as any proposals could be considered by the Cockenzie Community Forum. He asked Councillors Gilbert and Williamson if they would be prepared to accept a change to their motion to 'extend the remit of the Cockenzie Community Forum to explore the possibilities of a community benefit scheme'. Councillors Gilbert and Williamson indicated that they were prepared to amend their motion accordingly.

Councillor Bruce spoke in support of the motion and the proposed amendment, remarking on the importance of involving the community as much as possible.

Councillor Currie welcomed the potential opportunities for the local community and wider East Lothian community.



Councillor McMillan noted that, should the amended motion be approved, the final sentence would need to be deleted. He then moved to the vote on the motion, as amended:

To extend the remit of the Cockenzie Community Forum to explore the possibilities of a community benefit scheme arising from the development of the Inch Cape Offshore Wind Farm, the power from which is to be brought ashore at Cockenzie.

Although offshore wind power schemes are provided on a voluntary basis similar developments have provided community benefit schemes throughout Scotland; the Inch Cape Wind Farm has the potential to do likewise.

The motion, as amended, was supported unanimously.

### **Decision**

The Council agreed to approve the motion, as amended, submitted by Councillors Gilbert and Williamson.

## **10. NOTICE OF MOTION – CLIMATE EMERGENCY**

A motion was submitted to the Council by Councillors Hampshire and Akhtar, as set out below:

There is a global climate emergency. The evidence is irrefutable and the science is clear. Warnings have been issued about the damage human beings are causing to the planet and how that damage has accelerated over the past 50 years.

The impacts of climate change are having a serious effect on our communities.

We believe it is not too late for us to turn things around, but to do so requires transformative change and action now.

East Lothian Council therefore resolves to:

Declare a climate emergency that requires urgent action to make all our Council services net zero carbon by 2045 and to lobby, support and work with all relevant agencies, partners and communities to fulfil this commitment. East Lothian Council will also commit to work with our communities and partners towards making East Lothian a carbon neutral county as well as enabling the county to deliver its part of wider national and international commitments.

Councillor Hampshire proposed the motion, explaining that he had brought it forward in order to highlight the damaging effects of climate change, including extreme weather events, loss of life and destruction of communities. He asserted that if urgent action was taken, global warming could be limited to 1.5°C. Noting the need for the UK and Scottish Governments to implement changes to mitigate the effects of climate change, he urged the Council to act, in collaboration with its partners and businesses across East Lothian. He drew attention to measures being taken by the Council, including the installation of solar panels on new Council homes and other buildings, and the installation of charging points for electric vehicles. He also called on the Council to plant more trees to reduce the risk of flooding in certain areas. Councillor Hampshire recognised the challenges facing the Council in tackling

climate change and that there was a need to work in partnership with others in order to meet these challenges.

Seconding the motion, Councillor Akhtar stressed the importance of Council's commitment to tackling climate change through providing energy-efficient public services. She made reference to the Council's draft Climate Change Strategy and to forthcoming workshops, to which she encouraged the public to attend. She added that the UK Parliament had been the first parliament in the world to declare a climate emergency, supported by the Scottish and Welsh Parliaments.

In response to a question from Councillor McLennan on the type of actions the Council could take and how these would be measured, Councillor Hampshire advised that a Climate Change Strategy was currently being developed, and that the Council would seek to work with its partners, local businesses and communities with a view to reducing their carbon output. Douglas Proudfoot, Head of Development, advised that the draft Climate Change Strategy would be presented to Cabinet in November. He emphasised the importance of working with Government and partners and also of working within a legal framework. He undertook to provide Members with further information.

Councillor Gilbert asked if Councillor Hampshire would be willing to amend the motion to reflect that the Council should make its services net zero carbon 'as soon as practicable and in any case by 2045'.

Councillor Currie welcomed the motion. On climate change protests, he stressed that school children in receipt of an Education Maintenance Allowance (EMA) should not lose any of their allowance should they attend such events.

A number of Members voiced their support of the motion, providing examples of initiatives that had been or could be implemented to improve energy efficiency and protect the environment.

Summing up, Councillor Hampshire indicated that he was prepared to amend the motion to take account of Councillor Gilbert's suggestion. He thanked Members for their support for the motion. He welcomed the efforts of young people in protecting their environment and reducing global warming; on the matter of the EMA, as raised by Councillor Currie, he noted that the Council would be required to work within its legal framework.

The Provost then moved to the vote on the motion, as amended:

There is a global climate emergency. The evidence is irrefutable and the science is clear. Warnings have been issued about the damage human beings are causing to the planet and how that damage has accelerated over the past 50 years.

The impacts of climate change are having a serious effect on our communities.

We believe it is not too late for us to turn things around, but to do so requires transformative change and action now.

East Lothian Council therefore resolves to:

Declare a climate emergency that requires urgent action to make all our Council services net zero carbon as soon as practicable and in any case by 2045 and to lobby, support and work with all relevant agencies, partners and communities to fulfil this commitment. East Lothian Council will also commit to work with our communities and partners towards making East Lothian a carbon neutral county

as well as enabling the county to deliver its part of wider national and international commitments.

The motion, as amended, was supported unanimously.

**Decision**

The Council agreed to approve the motion, as amended, as submitted by Councillors Hampshire and Akhtar.

**11. SUBMISSIONS TO THE MEMBERS' LIBRARY, 11 JUNE – 14 AUGUST 2019**

A report was submitted by the Depute Chief Executive (Resources and People Services) advising Members of the reports submitted to the Members' Library since the last meeting of the Council.

With reference to the report on Engagement of Low Income Families within Active Schools (Ref: 96/19), Councillor Goodfellow informed Members that, following the East Lothian Poverty Commission report of 2017, children entitled to free school meals would be able to participate the East Lothian Active Schools initiative free of charge. This had resulted in a 30% increase in children participating in such activities across East Lothian, with take-up in the Musselburgh area increasing by 50%. Councillor Goodfellow thanked officers involved in this initiative, which he believed would have a significant impact on those children taking part.

In response to a question from Councillor Goodfellow in relation to the report on the Scottish Government Consultation on Local Connection and Intentionality Provisions in Homelessness Legislation (Ref: 90/19), Douglas Proudfoot, Head of Development, advised that he expected the new legislation to come into effect in November. He noted that the requirement for local connection would be removed; this could have a significant impact on East Lothian, and this point had been reflected within the Council's response to the consultation. He pointed out that there would be further consultation on this particular aspect. He added that a report on the Rapid Rehousing Transition Plan 2019-24 would be presented to Cabinet [in September 2019].

**Decision**

The Council agreed to note the reports submitted to the Members' Library Services between 11 June and 14 August 2019, as listed in Appendix 1 to the report.

Signed .....

Provost John McMillan  
Convener of the Council

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