



MINUTES OF THE MEETING OF THE CABINET

**TUESDAY 21 JANUARY 2020
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor S Akhtar
Councillor J Goodfellow
Councillor N Hampshire (Convener)
Councillor J McMillan
Councillor F O'Donnell

Other Councillors Present:

Councillor F Dugdale
Councillor J Findlay
Councillor A Forrest
Councillor J Henderson
Councillor C Hoy
Councillor K Mackie

Council Officials Present:

Mr A McCrorie, Chief Executive
Ms M Patterson, Depute Chief Executive – Partnerships and Community Services
Ms A MacDonald, Director, Health and Social Care Partnership
Mr J Lamond, Head of Council Resources
Mr T Reid, Head of Infrastructure
Ms S Saunders, Head of Communities and Partnerships
Mr D Proudfoot, Head of Development
Ms S Fortune, Chief Operating Officer (Finance)
Ms L Brown, Chief Operating Officer (Education)
Mr C Grilli, Service Manager – Legal and Procurement
Mr P Vestri, Service Manager – Corporate Policy and Improvement
Mr A Stubbs, Service Manager – Roads
Mr J Coutts, Service Manager – Community Housing and Homelessness
Ms W Maguire, Team Leader – Strategy and Development
Ms J Lothian, Sustainable Energy and Climate Change Officer
Mr D Northcott, Team Manager - Structures, Flooding and Street Lighting
Mr C Price, Project Manager, Roads Services
Mr P Forsyth, Road Asset and Regulatory Manager
Ms J Mackay, Senior Communications Adviser

Clerk:

Ms A Smith

Apologies:

Councillor Innes

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – CABINET 12 NOVEMBER 2019

The minutes of the meeting of the Cabinet of 12 November 2019 were approved.

2. CLIMATE CHANGE STRATEGY 2020–2025 – REPORT BY THE DEPUTE CHIEF EXECUTIVE

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval for the proposed East Lothian Council Climate Change Strategy 2020–2025.

The Head of Development, Douglas Proudfoot, presented a detailed report. The Climate Change Strategy set out the Council's commitment to tackling the climate emergency at local level, leading by example and working with partners. The Strategy brought together a wide range of actions from across Council Services, plans and strategies in a coordinated Action Plan to mitigate against and adapt to climate change. The Strategy also embedded the principles of Climate Justice into the Council's Climate Emergency response, to ensure that those most vulnerable would not be disproportionately affected by the effects of climate change. Based on the consultation feedback, the changed legislative landscape, and the Council's declaration of Climate Emergency, the Strategy had been revised and updated. It was now a 5 year rolling Strategy that would be reviewed and updated annually. He outlined the revised focus of the Strategy. Mr Proudfoot reported that the Council had already made significant progress in delivering actions that had substantially reduced its emissions. The Action Plan would be influenced heavily by Scottish Government's Climate Change Plan. He stressed the importance of collaboration and partnership and the importance of engagement with young people.

Mr Proudfoot and other officers responded to a series of questions from Members. On monitoring and future reporting he confirmed that the Strategy would be continuously monitored, annually refreshed and reported. The Integrated Impact Assessment would be expanded to ensure there was no detrimental impact. As regards partnerships, he stated that the commitment and significant ambition was shared across partner organisations.

On health and air quality, specifically ending idling of vehicle engines, Mr Proudfoot said the Council was working with Transport Scotland on a number of issues, including this. He referred to Low Emission Zones in Scottish cities and to the active Transport Strategy. The key was raising awareness about the importance of switching off engines. On whether fines were an option, Peter Forsyth, Road Asset and Regulatory Manager, indicated this was a possibility but an Order was needed to implement a fine.

As regards rail transport, Mr Forsyth gave details of some of the actions planned over the next 12 to 18 months. He referred to the Scottish Government's National Transport Strategy, which should be published later this month. Mr Proudfoot added that whilst rail infrastructure was important an aim of Connected Economy Group was to expand home working from only key workers, which would improve sustainability.

Regarding sustainable procurement, Carlo Grilli, Legal and Procurement Service Manager, indicated that the team was looking at how to implement the Strategy into procurement policy. Tom Reid, Head of Infrastructure added that this was already factored in for fleet procurement.

Mr Proudfoot responded to questions on demographic modelling and the impact of an increasing local population. He stated there were many variables; he highlighted the importance of analysing the base line data. The Action Plan needed to be focussed. He referred to the statutory obligation to deliver the housing supply identified within the Local Development Plan. On future housing applications and how radical the Council could be, he detailed a number of ongoing activities and outlined possible further improvements.

On engagement with young people, Jennifer Lothian, Sustainable Energy and Climate Change Officer, referred to consultation carried out and the excellent response. She reported that the priorities young people had highlighted had been embedded into the Strategy and Action Plan. She added that work was ongoing with the East Lothian Youth Council and with Eco Committees within schools.

As regards the next steps and also further engagement, Mr Proudfoot stressed the importance of engagement with all stakeholders. The evolution of the Strategy would be a move forward from a Council owned document to a wider group; all citizens, businesses, organisations needed to be involved. He referred again to the Scottish Government's Climate Change Plan, due in the spring. The Council would be working with this critical document to take the Strategy forward; key policy and legislative changes were anticipated. There was a considerable amount of work to be done across the Council, the ambition of the Strategy was significant. In respect of engagement with the farming community, he advised that a specific group would be established to engage with this community.

Councillor McMillan noted that the Strategy would be reviewed and adapted and that the Integrated Impact Assessment would be altered as required. There would be challenges with some of the changes and attitudes would have to change but looking after the environment was crucial. This was a partnership with all stakeholders. He stressed that Members were committed to this Strategy and would, quite rightly, be held accountable.

Councillor Goodfellow stressed the importance of this document for future generations. It was essential that it was reviewed annually. In relation to housing, he was proud that the Council's own stock met energy efficiency standards. In respect of new build housing stock a commitment to energy efficiencies should be a priority for developers.

Councillor O'Donnell acknowledged the good work already being carried out across local communities. She stressed that a global focus was needed to combat the adverse impact on some of the poorest communities around the world.

Councillor Akhtar stated that young people were at the forefront; she gave examples of actions proposed/taken by young people locally, also drawing attention to the work undertaken by Eco Committees within schools. This Strategy had to be embedded in our culture.

Councillor Hampshire noted the desire in communities to make changes. This was a partnership between the Council, the people of East Lothian, businesses and all stakeholders; everyone had to engage and commit.

Decision

The Cabinet agreed:

- i. to approve the proposed East Lothian Council Climate Change Strategy 2020–2025 (set out in Appendix 2 to the report), to agree the outcomes and key priority areas identified in the Strategy, and to support the work towards achieving these outcomes; and
- ii. to review and updated annually as further national legislative and policy changes occur, and that these revisions and progress updates should be reported to Cabinet annually.

3. MUSSELBURGH FLOOD PROTECTION SCHEME – DETERMINATION OF PREFERRED SCHEME

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) updating Cabinet on:

- the flood risk to Musselburgh as determined by the project's new Hydraulic Model, and which included the significant implications deriving from the inclusion of UKCP18 (UK Climate Projections 2018) climate change increases in flood event levels until 2100; and
- the Preferred Musselburgh Flood Protection Scheme (the Preferred Scheme) which had been develop through an iterative design approach within a consultative framework in partnership with key stakeholders and the people of Musselburgh.

Alan Stubbs, Service Manager – Roads, presented the report. He took Members through the report in detail, outlining the background to the current position. He drew attention to the various appendices to the report. The project was being advanced under the PRINCE2 Project Management System, which defined the project through nine distinct stages. This system provided for appropriate systematic management of this major, complex civil engineering project whilst simultaneously minimising the financial exposure of the Council. He gave details of the Option Appraisal Process (OAP), undertaken through an extensive consultation process. The Preferred Scheme was determined at conclusion of the OAP; he highlighted aspects of this, advising that the full Scheme was lodged in the Members' Library. He drew attention to costs, stating that the Scottish Government would contribute 80%. He gave details of the next stage (Stage 4, Outline Design) reporting that an update would be brought forward at the end of this stage in advance of Stage 5 (Approvals Process) commencing. Mr Stubbs informed Members that at that point the estimated Total Scheme Cost would require to be reflected within future Council financial plans.

Mr Stubbs, along with other officers, responded to questions. Mr Stubbs confirmed that the anticipated costs would be included within the Scottish Government's 80% contribution.

Connor Price, Project Manager, Roads Services, gave a detailed explanation of the new Hydraulic Model. He stated that physical flood preventions were now being considered, which he outlined. Measures proposed would ensure that natural processes would continue into the future thereby providing a natural reduction. Responding to further queries he referred to the major consultation carried out with key stakeholders and residents. He expanded on all the defences that would need to be constructed, stressing the recognition of engagement with the people of Musselburgh.

In relation to the planning stage, Mr Stubbs confirmed there would be flexibility within the Scheme as regards the design. In respect of working in a joint geographical sense with other councils he stated that lessons were being learned and the Project Team was aware of and involved in projects elsewhere. In East Lothian however only Musselburgh and Haddington were currently identified as flood risks in the Scottish Flood Risk Strategy. David Northcott,

Structures, Flooding and Street Lighting Team Manager, added that studies were also proposed for Dunbar and Cockenzie.

Responding to further points, Mr Stubbs explained that there would be a mixture of protection measures as part of the Preferred Scheme. He stressed that one of the key objectives of the project was not to have a scheme that would have a detrimental impact and any scheme would not increase flood risk to any property. Indeed it was a requirement of the Flood Risk Management (Scotland) Act 2009 not to do so: this was the legislation under which flood schemes were advanced and approved. There was also a legal obligation to comply with the Construction (Design & Management) Regulations (CDM), which were the main set of regulations for managing the health, safety and welfare of construction projects. On the usage impact for local clubs he advised that engagement had taken place with all stakeholders to ensure that activities continued with minimal impact. As regards the electric bridge, Mr Stubbs noted that the bridge was in the ownership of Scottish Power.

Councillor McMillan welcomed this report stating that the proposed actions would be of benefit to the people of Musselburgh.

Councillor Hampshire acknowledged the huge amount of work done to get to this position.

Decision

The Cabinet agreed:

- i. to note the progress made in advancing the design of a flood protection scheme for Musselburgh since May 2016, and the increased flood risk that had driven the evolution of the flood protection scheme over that period;
- ii. to approve the Preferred Musselburgh Flood Protection Scheme as set out in detail in the Preferred Scheme Report, such that the Outline Design of this Scheme could be undertaken, and Instructed the Project Executive to return to Council at the end of project Stage 4 (Outline Design) with an update on the development of the Scheme, and in advance of the commencement of the Scheme Approvals Process under the relevant legislation;
- iii. to approve commencement of Stage 4 (Outline Design) of the Scheme Design in accordance with the project's PRINCE2 Project Management System; and
- iv. that the Project Team should seek to achieve multiple-benefits in accordance with the 'One Council' approach, and seek to weave in potential additional external funding such that this major infrastructural project simultaneously maximises the assets delivered and minimises the overall cost to the Council.

4. VARIOUS ROADS – EAST LOTHIAN, INTRODUCTION AND AMENDMENTS TO TRAFFIC REGULATION ORDERS 2020

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval to start the statutory procedures necessary to introduce and amend various Traffic Regulation Orders (TROs) to prohibit waiting, loading and unloading, introduce new speed limits and to ban and permit various types of vehicular traffic.

Peter Forsyth, Road Asset and Regulatory Manager, presented the report. He informed Cabinet that a review of restrictions had highlighted a number of areas that required amendment or introduction; these were detailed in Appendix A. He drew particular attention to TRO amendments/introductions at several specific locations. He referred to the other

proposals outlined in Appendices B and C, including consultation to make the 20mph speed limit in Dunbar permanent. He indicated that Police Scotland would be fully consulted on the introduction of all of these proposals/regulations.

Mr Forsyth responded to questions clarifying matters in relation to amendments 10, 12, 15 and 16 within Appendix A as raised by Members. Responding to Councillor Hampshire he advised that the timescale from approval, if granted, to implementation could take between 6 to 18 months depending on whether objections were received from the consultation process. Councillor Goodfellow welcomed the report. He proposed an addition to Appendix A to introduce waiting restrictions to improve visibility for access/egress at the junction of Ware Road and Dirleton Avenue in North Berwick. Councillor McMillan seconded this. The Cabinet agreed to this addition to Appendix A.

Councillors Akhtar and McMillan welcomed the introduction of waiting restrictions on Alderston Gardens, Haddington. Councillor McMillan remarked that an attitude change was needed as regards the consequences of indiscriminate and inconsiderate parking.

Decision

The Cabinet agreed to approve the initiation of the statutory procedure necessary to introduce and amend Traffic Regulation Orders in accordance with 'The Local Authorities (Procedures) (Scotland) Regulations 1999 and such introduction and amendments that are in force in respect of locations and proposals listed in Appendix A, B & C:

5. BUDGET DEVELOPMENT 2020

A report was submitted by the Head of Council Resources providing an update on matters affecting development of budgets including the draft budget proposals prepared on behalf of the Administration.

The Head of Council Resources, Jim Lamond, presented the report. He referred to the public budget consultations for General Services and the annual statutory consultation with rent payers; Appendices 1 and 2 contained the summary results. He stated that unusually at this stage of the process, the Council had not yet received any indication of the likely grant settlement or any related conditions from the Scottish Government, a situation caused by the late setting of the UK Budget following on from the December General Election. Although the Cabinet Secretary had now formally indicated that he would present his own Draft Budget to the Scottish Parliament on 6 February, with draft settlement figures for councils also expected that same day, there were currently no reliable details available on what levels of grant support could reasonably be expected nor any indication of whether or not there would be any capping of Council Tax increases. The draft Scottish Government Budget was not scheduled to complete the formal parliamentary process until week commencing 2 March and therefore, as with all other councils, the terms of the settlement offer made to East Lothian Council on 6 February would remain subject to change up until that time. Mr Lamond stated that it was also unknown whether or not any subsequent decisions taken within the UK budget on 11 March would have any further impact upon the Scottish Government and in turn on Scottish public bodies including councils.

He indicated that in the absence of Scottish Government Grant allocations, in drawing up their own draft budget proposals, the Administration had made a number of assumptions on the settlement grant figures, set out in Section 3.8 of the report along with a number of other notable planning assumptions. Notwithstanding the constraints imposed by this situation, in accordance with the decisions taken by Council on 29 October and 17 December last year, the Administration had prepared initial Draft Budget Proposals, Appendices 3 and 4 relate to

General Services and Appendix 5 covered the HRA. He outlined the next steps in the budget process, including previously agreed arrangements for submitting amendments.

In relation to a question from Councillor Akhtar Mr Lamond indicated that he had heard nothing to date regarding Scottish Government underspends and in-year flexibilities but reflected that in previous years, these had played a significant part in the final settlement.

Responding to a point raised by Councillor Goodfellow, Mr Lamond confirmed that Teachers' Pay was negotiated and set through a tripartite group which included the Scottish Government.

Councillor O'Donnell, referring to the Adult Wellbeing budget and to previous efficiencies, stated that regarding non-residential care services that this was not in the draft proposals as the policy was still being co-produced with the Charging Group. CoSLA was reviewing guidance to local authorities which would be issued in March. She reported that the Scottish Government had pledged to remove all charges for community alarms. She added that councils were operating in a very uncertain environment.

Councillor Akhtar expressed support for the CoSLA campaign for local authorities to receive the same level of percentage of additional resource as received by the Scottish Government. She highlighted an area of policy concern, of home to school link worker that CoSLAs Education Children's Group had been lobbying on and which would be pursued through the policy agenda.

Councillor Goodfellow, referring to the HRA budget, stated that the proposed capital expenditure for the next 5 years would help to address the chronic shortage of affordable housing.

Councillor Hampshire highlighted current uncertainties and the difficulties of trying to prepare a draft budget in this situation. He stressed that the Council would try and protect services for the people of East Lothian. A 3 year budget had to be produced to allow officers to future plan however the expectation was that the Scottish Government would again only produce a 1 year budget. The Administration was open to negotiations from other political groups.

Decision

The Cabinet agreed:

- i. to note the current position relating to the national Local Government Finance Settlement and the implications for East Lothian Council;
- ii. to approve the draft budget proposals as contained within the report appendices noting the intention of the Council Leader to invite further discussion with other political groups via Group Leaders between now and the formal budget setting meeting; and
- iii. to request that any formal amendments to the draft proposals be submitted in accordance with the timeline set out in para 3.12 of the report.

Signed

Councillor Norman Hampshire
Depute Council Leader and Depute Convener of the Cabinet