



## MINUTES OF THE MEETING OF EAST LoTHIAN COUNCIL

TUESDAY 25 FEBRUARY 2020  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

1a

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### Committee Members Present:

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

### Council Officials Present:

Ms M Patterson, Chief Executive  
Ms A MacDonald, Director of Health and Social Care  
Mr A McCrorie, Depute Chief Executive (Resources and People Services)  
Mr J Lamond, Head of Council Resources  
Mr D Proudfoot, Head of Development  
Mr T Reid, Head of Infrastructure  
Ms S Saunders, Head of Communities and Partnerships  
Ms L Brown, Chief Operating Officer – Education  
Mr S Cooper, Team Manager – Communications  
Mr J Coutts, Service Manager – Community Housing and Homelessness  
Ms S Fortune, Chief Operating Officer – Finance  
Mr C Grilli, Service Manager – Legal and Procurement  
Mr D Henderson, Principal Accountant  
Ms K MacNeill, Service Manager – People & Governance  
Ms W McGuire, Team Leader – Strategy and Development  
Ms J Tait, Chief Social Work Officer and Chief Operating Officer – Children's Services  
Mr P Vestri, Service Manager – Corporate Policy and Improvement

### Visitors Present:

Mr M Duff, Audit Scotland

### Clerk:

Mrs L Gillingwater

### Apologies:

None

**Declarations of Interest:**

Councillor McLennan: Item 7, in relation to his employment status

*Prior to the commencement of business, the Provost announced that two former councillors, Mr Tom Lawrie and Mr Chick Moohan, had recently passed away. He paid tribute to them for the service that they had given to the Council and advised that he would send letters of condolence on behalf of the Council to their families.*

*The Provost announced that Wallyford Primary School had recently won the award of Development of the Year (Public Buildings) at the Scottish Property Awards. He congratulated the school's head teacher, Mhairi Stratton, the pupils, staff and wider community, and the Council's partners in the development of the facility, Hub South East and Morrison Construction.*

**1. MINUTES FOR APPROVAL**

The minutes of the meeting of East Lothian Council held on 17 December 2019 were approved.

*Item 10 – Notice of Motion: Bank Closures:* in response to a question from Councillor McLennan regarding an update on the bank closure, the Provost advised that Members would be informed of the situation outwith the meeting.

**2. MINUTES FOR NOTING**

The minutes of the meetings of the East Lothian Local Review Body (Planning) held on 21 November 2019 were noted.

**3. APPOINTMENT OF CHIEF EXECUTIVE**

A report was submitted by the Depute Chief Executive (Resources and People Services) advising the Council of the decision of the Chief Officer and Head Teacher Appointments Sub-Committee to select Monica Patterson as the new Chief Executive of East Lothian Council, and of various matters arising as a result. The Council was also asked to note the details of the retirement of Alex McCrorie, Depute Chief Executive (Resources and People Services)

Kirstie MacNeill, Service Manager – People and Governance, presented the report, advising Members that the Chief Officer and Head Teacher Appointments Sub-Committee had selected Monica Patterson as their preferred candidate on 17 December 2019, and that following the standard pre-employment checks, Ms Patterson had taken up her new post on 3 February. She sought Council approval to appoint Ms Patterson as the Returning Officer for the East Lothian area, and to appoint Kirstie MacNeill as interim Monitoring Officer, pending a review of the Chief Officer structure. She also noted that Alex McCrorie had now returned to his substantive post of Depute Chief Executive (Resources and People Services).

The Provost congratulated Ms Patterson on her appointment, and thanked Mr McCrorie for acting as Chief Executive.

Councillor Henderson also congratulated Ms Patterson and wished her success in her new role. These sentiments were echoed by Councillor Innes.

## **Decision**

The Council agreed:

- i. to note the decision of the Chief Officer and Head Teacher Appointments Sub-Committee to select Monica Patterson for the post of Chief Executive, and to note that after satisfactory formal pre-employment checks were carried out, an offer of employment was issued and Monica Patterson took up the post of Chief Executive on 3 February 2020;
- ii. to note and approve any changes required to Standing Orders Appendix 2 (Scheme of Delegation) in relation to the delegations to the Head of Paid Service, as detailed in Section 4 of the report;
- iii. to approve the minute of the Chief Officer and Head Teacher Appointments Sub-Committee held on 16 December 2019;
- iv. to appoint the new Chief Executive, Monica Patterson, to carry out the role of Returning Officer within the East Lothian Area; and
- v. to note the intended retirement of Alex McCrorie, Depute Chief Executive (Resources and People Services) by reason of age;
- vi. to approve the appointment of Kirstie MacNeill, Service Manager – People and Governance, as interim Monitoring Officer.

## **4. BUDGET DEVELOPMENT, INCLUDING SETTING OF RENT LEVELS 2020-25**

A report was submitted by the Depute Chief Executive (Resources and People Services) providing an update of recent developments in respect of the Local Government Finance Settlement, as well as presenting amended budget proposals for the Housing Revenue Account (HRA).

The Head of Council Resources, Jim Lamond, presented the report. He informed Members that due to the delayed issue of the draft settlement from the Scottish Government, consideration of the draft General Services budget and Council Tax would now take place at a special meeting of the Council on 3 March, and that only the Housing Revenue Account budget would be considered at today's meeting. However, he was in a position to advise Members that the draft settlement had been made on a one-year basis, and that there would be a cap of 4.84% on any proposed Council Tax increase. He pointed out that the draft settlement reflected a real-terms reduction to core revenue funding of 3%. He further noted that the settlement would not be finalised until the week beginning 2 March.

On the HRA budget, Mr Lamond advised that two amendments had been submitted to the Administration's budget proposals, by the Administration and the SNP Group, and both had been assessed as competent and in compliance with the Council's approved Financial Strategy. The amendments would be considered as Items 5a and 5b of the agenda.

## **Decision**

The Council agreed:

- i. to note the unforeseen circumstances surrounding the delayed Draft Local Government Settlement offer of 6 February 2020, as set out within Sections 3.1-3.2 of the report: and

- ii. to consider and make recommendations in relation to the respective Housing budget proposals included within the agenda, reflecting formal amendments proposed to the Draft Administration Proposal for Housing, approved by Cabinet on 21 January 2020.

## **5. RENT PROPOSALS 2020/21–2024/25**

### **(a) Amendment Submitted by the Administration**

Councillor Goodfellow presented the Administration's Housing budget to the Council. He thanked Council officers, in particular Jim Lamond, Sarah Fortune, Douglas Proudfoot, James Coutts, Wendy McGuire and their teams for their support and assistance. He also thanked tenants who had participated in the rent survey and HRA rent proposal consultation, who had endorsed the proposed rent increase for the coming financial year. Councillor Goodfellow stressed the need for the Council to be ambitious in its house-building and modernisation programmes. He noted that the Council's rents were among the lowest in Scotland, whereas private rent levels in East Lothian were among the highest outside of Edinburgh. He declared that there would be a major programme of Council house building, as well as the acquisition of ex-Council properties.

Councillor Goodfellow made reference to the UN Universal Declaration of Human Rights, noting that children who grow up in poor housing have an increased risk of developing physical and mental health problems, future unemployment and educational underachievement. He announced that more than £100 million would be invested in new Council homes and almost £65 million would be invested in modernising existing stock. Whilst being very ambitious, these programmes would keep the HRA within budgetary limits. He proposed a 5% rent increase, noting that this increase would mean that East Lothian's rents would still be among the lowest in Scotland.

The Administration amendment was seconded by Councillor Dugdale, who welcomed the increase in new-build Council homes, which she saw as a positive outcome for everyone in East Lothian.

### **(b) Amendment Submitted by the SNP Group**

Councillor Currie presented the SNP amendment to the Housing budget to the Council. He recognised that the Council had a duty to set rents on an annual basis, and he welcomed the annual consultation with tenants. However, he did have concerns about the wording of some of the consultation questions. He believed that, in the context of inflation and salary increases, a rent increase of 3% was adequate and proportionate, and would be supported by tenants. He pointed out that both amendments proposed the same number of new homes and the same levels of expenditure on the modernisation programme, for the 2020/21 financial year and over the five-year period. He also noted that an increase of 3% would allow the Council to maintain reserves of at least £1 million. He believed that the Administration was proposing a 5% rent increase because it was able to do so, and because it would increase HRA reserves by £600,000. He believed that this was not an acceptable approach as it was significantly above inflation, and that a 3% increase would allow the Council to deliver new homes, the modernisation programme, maintain the debt:income ratio and maintain the required level of reserves. He recommended his amendment to the Council.

The SNP amendment was seconded by Councillor McLeod.

The Provost then moved to the debate.

Councillor Innes opened the debate. He remarked that the SNP Group's HRA budget proposed an increase of 3% for the 2020/21 year, but a 5% increase each year until 2024/25, and questioned why a 3% increase was not proposed for each year if it was felt this was adequate. He observed that if rents were increased by 3% for each year of the budgeting period, there would be a significant impact on both the number of new homes being built and the modernisation programme. He did not believe that a 3% increase was sufficient to deliver what was required.

Councillor Bruce commented that the Council provided high-quality and well-maintained housing, and that it was very important to have a long-term strategy to invest in housing. He declared that the Conservative Group would be supporting the Administration's amendment, on the basis that it took into account a longer-term view of needs and demands, adding that the proposed 5% increase was supported by tenants in his ward.

Councillor Hampshire stressed that even with a 5% increase, the Council would still have one of the lowest rent levels in Scotland. He advised that the Administration planned to deliver an ambitious programme of new Council homes, as well as continuing with its modernisation programme. He described the SNP Group's 2020/21 proposals as a 'gimmick'.

The Administration's amendment was welcomed by Councillor Akhtar, who highlighted the importance of providing more Council housing to combat health inequalities, overcrowding and education attainment issues. She made reference to the recent investment in new homes and to the ongoing modernisation programme, noting that a 5% rent increase would allow the Council to sustain these programmes.

Speaking in support of the SNP Group's amendment, Councillor Gilbert expressed concern that the Administration's proposals would see the average rent levels rising from £270 per month in 2017 to £345 per month by 2022.

Councillor O'Donnell pointed out that in developing their proposals, the Administration had given a great deal of consideration to the impact of the increase on tenants, in the context of austerity. She believed that one way to mitigate this impact was to provide tenants with high-quality housing, and she felt that investing in housing for future generations was the right thing to do.

Summing up, Councillor Currie reiterated that both amendments were identical as regards the investment in new housing and the modernisation programme. He was of the view that anything more than a 3% increase would be unaffordable for many tenants, and made reference to a similar view expressed by Councillor Hampshire some years ago. Councillor Currie argued that the additional £600,000 would not be used to build new homes or modernise existing ones, but would be added to reserves. He also stressed the importance of looking at circumstances each year and considering the most appropriate increase. He refuted the claim that the 3% rise was a gimmick, and asked the Council to support the SNP Group's amendment.

Councillor Goodfellow summed up for the Administration, highlighting the need for the Council to take a long-term view of housing. He argued that the SNP Group's amendment did not do this, and by 2025 the HRA would exceed the 40% debt:income ratio – he warned against this approach as it would result in the Council having a significant burden of debt. He believed that a 3% rise would not be in tenants' long-term interest, and that a 5% increase would provide stability for current and future tenants. He commended the Administration's amendment to the Council.

The Provost then moved to the vote. Councillor Currie requested that the vote be taken by roll call.

The amendment to the HRA budget proposals submitted by the SNP for 2020/21 to 2024/25 was put to the vote:

For (6): Councillors Currie, Gilbert, McLennan, McLeod, Trotter, Williamson

Against (16): Councillors Akhtar, Bruce, Dugdale, Findlay, Forrest, Goodfellow, Innes, Hampshire, Henderson, Hoy, Kempson, Mackett, Mackie, McGinn, McMillan, O'Donnell

The amendment to the HRA budget as proposed and seconded by the SNP therefore fell.

The amendment to the HRA budget proposals submitted by the Administration for 2020/21 to 2024/25 was put to the vote:

For (16): Councillors Akhtar, Bruce, Dugdale, Findlay, Forrest, Goodfellow, Innes, Hampshire, Henderson, Hoy, Kempson, Mackett, Mackie, McGinn, McMillan, O'Donnell

Against (6): Councillors Currie, Gilbert, McLennan, McLeod, Trotter, Williamson

The amendment to the HRA budget as proposed and seconded by the Administration was therefore carried.

## **Decision**

The Council agreed to approve the rent proposals as presented by the Administration and to increase Council house rents by 5% in 2020/21.

## **6. FINANCIAL REVIEW 2019/20 – QUARTER 3**

A report was submitted by the Head of Council Resources informing the Council of the financial position at the end of December 2019.

The Chief Operating Officer – Finance, Sarah Fortune, presented the report. She highlighted a number of aspects within the report, including: the General Services budget position, which was showing an overspend of £2.6m at the end of Quarter 3; the current positions for each directorate; progress as regards achieving efficiency savings; the projected services' overspend at the year-end, anticipated to be in the region of £4m, but taking account of the loans fund review and ongoing mitigation projected to balance at the year-end; the current position with the capital programme (set out in detail at Appendix 4); and the HRA budget position, anticipating that the HRA revenue budget was likely to be delivered broadly in line with approved budget plans. She advised of the continuing financial challenges in the current financial year, stressing that further action would be required in respect of those services showing an overspend.

Councillor Bruce asked if the additional funding for school counsellors would cover the full cost of meeting the Scottish Government's objectives. Judith Tait, Chief Operating Officer – Children's Services, advised that there were concerns around how the funding could be used, and confirmed that the funding would not cover the provision of services within each school. She informed Members that a joint approach with Midlothian Council was being explored, and that it was important to ensure that the agreed model fits with other mental health provision in schools.

Councillor Mackie asked if the additional funding for additional support for learning (ASL) would resolve the financial challenges relating to external placements and the associated transport arrangements. Ms Fortune advised that the impact would not be mitigated by the

funding as it came with additional obligations. Lesley Brown, Chief Operating Officer – Education, added that the funding had to be used to support frontline services, and that officers were looking at how best to do that.

Councillor Henderson asked if Members could be kept updated about progress with the capital programme in order that they could better inform constituents. Ms Fortune advised that information had been provided to all group leaders on changes to this year's capital programme, and she would give further thought as to how best to keep all Members updated.

In response to a series of questions from Councillor Currie, Ms Fortune advised that officers were taking action to mitigate the overspend. She noted that there was a low level of uncommitted reserves and hoped that there would be no need to draw down more from the reserves than had been planned. She confirmed that the monies generated through the loans fund review were largely non-recurring, so it was important to mitigate service overspending going forward. She added that the loans fund review had not contributed to balancing the current year's budget but had been a feature within the 2018/19 year-end position. On coastal car parking income, Ms Fortune informed Members that the income levels were improving, but were still below the net budget position. Tom Reid, Head of Infrastructure, added that the introduction of the RingGo app and an increase in the uptake of season tickets had had a positive impact on income and that he anticipated that the planned income levels would be achieved in the 2020/21 financial year. He also noted that decriminalised parking enforcement activity had been targeted around schools and that this had increased costs in that area. He advised that a detailed report on coastal car parking would be presented to PPRC on 26 February. As regards the overspend in Education and Children's Services, Ms Fortune explained that recovery plans were continuing for Additional Support for Learning (ASL), supported through the Cost Reduction Fund, and there were signs of a positive impact of those measures, although she stressed that the overspend may not be completely mitigated. On Children's Services, Ms Tait advised that ten children had been returned from external placements over the past seven months, and there had been a reduction in the number of children requiring to be placed externally due to the use of additional funding from the Cost Reduction Fund for community-based alternatives. She cautioned that the savings would not be realised straight away, and that bringing children back from external placement was not cost neutral. She also pointed out that all of this had been achieved at a time when there had been a 20% increase in referrals.

Councillor Trotter asked how the town centre regeneration funding had been distributed. Ms Fortune suggested this had been the subject of a previous report to Cabinet and undertook to provide further details to Members.

Councillor O'Donnell asked how the East Lothian Health and Social Care Partnership was performing in comparison to other areas. Alison MacDonald, Director of Health and Social Care, advised that she was confident the budget would balance at the year-end. She added that East Lothian was the best performing area in Scotland as regards delayed discharge.

Councillor Hampshire thanked managers and staff for delivering services at a time of significant growth and financial challenges. He stressed that demand for services was increasing and that the Council would struggle to continue delivering services without additional resources.

Councillor Henderson commented that she was encouraged by Ms Tait's update on Children's Services.

Councillor Currie expressed concern that any monies taken from reserves would have to be replenished, and this would impact on services in future. He welcomed the positive position in relation to adult social care services, particularly on the delayed discharge performance.

He also paid tribute to Council staff for their efforts to deliver services whilst making efficiency savings. On the Children's Services budget, he was concerned that the overspend position would continue, and that there would be additional challenges for that service.

Councillor Akhtar remarked that all Members needed to acknowledge the demand on services at a time of significant growth in East Lothian. She suggested that the Scottish Government should allocate any unspent monies to local authorities to relieve pressure on services.

With reference to Councillor Currie's comments on the position with adult social care Councillor Innes commented that this was a result of longer-term planning by the Administration, and making sure that resources were allocated appropriately. He assured Members that the same approach would be applied to Children's Services.

### **Decision**

The Council agreed:

- i. to note the financial performance at the end of December 2019; and
- ii. to note the continuing enhanced financial controls for managing the financial position.

## **7. DEVELOPMENT PLANNING: NATIONAL PLANNING FRAMEWORK 4/REGIONAL SPATIAL STRATEGIES AND LOCAL DEVELOPMENT PLAN**

A report was submitted by the Head of Development advising of the Council's input into the production of a draft National Planning Framework 4 (NPF4) and supporting Regional Strategies. The report sought agreement on the key points that would be submitted to the Scottish Government as part of the preparation of NPF4 and of nominees for the new Edinburgh and South East Scotland City Region Deal (ESESCRD) Oversight Committee being put in place for future regional strategy work. The report also updated Members on the proposed timescales for the next East Lothian Local Development Plan (LDP).

**Declaration of Interest:** having declared an interest, Councillor McLennan left the meeting for the duration of this item.

The Head of Development, Douglas Proudfoot, presented the report, advising that the Scottish Government had issued a 'call for ideas' on national developments, and that the report provided a basis for the Council's response. He noted that the deadline for submission of the response was 31 March, and sought approval to delegate the finalisation and submission of the response to him, in conjunction with Councillor Hampshire. He undertook to engage with all political groups in this regard. He also indicated that the Council would have input into a regional response. On the City Region Deal governance arrangements, Mr Proudfoot advised that each local authority had been asked to nominate two members to its Oversight Committee, and proposed that Councillors Hampshire and McMillan should be appointed as the Council's representatives. He also made reference to changes in the development planning process, noting that work on the new Local Development Plan could not formally begin until 2021.

Councillor Gilbert expressed concern that the report made no mention of the Cockenzie Masterplan, and asked if this could be included in the submission. Mr Proudfoot explained that the Scottish Government was seeking high-level planning-related content at this stage, and assured Members that Blindwells and Cockenzie would feature in the submission due to their strategic importance. He added that the Masterplan was an important document,



developed in collaboration with the local community, and that it would feed into the process at a later stage.

Councillor Akhtar asked if the Council would be making requests for infrastructure funding as part of the regional submission. She also asked how the Council's Learning Estate Strategy would fit into the Regional Spatial Strategy. Mr Proudfoot advised that the process would involve working with the Scottish Government and other agencies and that there would be opportunities to access infrastructure funding through the City Region Deal. He stressed the importance and significance of the development planning process in the context of NPF4 and the new Planning Act, noting that all the Council's infrastructure requirements, as well as the Council's learning estate, would be taken into account.

In response to questions from Councillor Currie on developer contributions for health and social care facilities, Councillor Hampshire reported that the Council had sought to engage with the NHS throughout the Local Development Plan process on this issue, but to no avail. Mr Proudfoot added that there was land safeguarded at Blindwells for a health facility, and that the Council was working with the NHS on this.

Councillor O'Donnell asked if it was likely that NPF4 would be approved in time to inform the Council's next Local Development Plan. Mr Proudfoot confirmed that NPF4 and the Regional Spatial Strategy had to be in place prior to the Local Development Plan coming forward. He assured Members that there was an effective land supply in East Lothian up to 2023. He advised that there would be a consultation on NPF4 in the summer of 2020, and that it should be in place in 2021.

Councillor Hampshire welcomed the report, but was concerned about the timescales for the process and the future demand on housing in East Lothian. He stressed the need to have the infrastructure in place to support future development. Councillor Akhtar shared these concerns, adding that the delivery of services would also need to be taken into account.

## **Decision**

The Council agreed:

- i. to approve the key points set out in the report as the basis for a Council response, both independently and through a joint submission with the other South East Scotland local authorities, to the Scottish Government on NPF4;
- ii. to delegate authority to the Head of Development and the Cabinet Spokesperson for Environment for the finalisation and approval of the Council's response to the NPF4 Call for Ideas;
- iii. to endorse the nominations of East Lothian's Cabinet Spokesperson for the Environment and Cabinet Spokesperson for Economic Development and Tourism as East Lothian Council's representatives on the new City Deal Oversight Committee; and
- iv. to note that until secondary legislation and transitional arrangements for development planning are published by the Scottish Government, no replacement to the adopted Local Development Plan would be formally progressed, although monitoring, technical studies and internal reviews in readiness had already been initiated and would continue to be undertaken as necessary.

**8. SCHEDULE OF MEETINGS 2020/21**

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval for the Schedule of Meetings 2020/21.

The clerk presented the report, advising of the request by the Chief Executive to include an additional meeting of the Planning Committee, to be held on 18 August 2020. Members were also informed that the Council Chamber would be out of use between January and June 2021, and that alternative venues were being considered.

**Decision**

The Council agreed:

- i. to approve the proposed Schedule of Meetings for 2020/21, as amended; and
- ii. to note that the schedule was subject to change and that any changes would be communicated to Members and officers as soon as practicable.

**Sederunt:** Councillor McLennan returned to the meeting.

**9. SUBMISSIONS TO THE MEMBERS’ LIBRARY SERVICE, 30 NOVEMBER 2019 – 5 FEBRUARY 2020**

A report was submitted by the Head of Council Resources advising Members of the reports submitted to the Members’ Library since the last meeting of the Council.

**Decision**

The Council agreed to note the reports submitted to the Members’ Library Services between 30 November 2019 and 5 February 2020, as listed in Appendix 1 to the report.

Signed .....

Provost John McMillan  
Convener of the Council



## MINUTES OF THE MEETING OF EAST LOTHIAN COUNCIL

TUESDAY 3 MARCH 2020  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

1b

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### Committee Members Present:

Provost J McMillan (Convener)  
Councillor S Akhtar  
Councillor L Bruce  
Councillor S Currie  
Councillor F Dugdale  
Councillor J Findlay  
Councillor A Forrest  
Councillor N Gilbert  
Councillor J Goodfellow  
Councillor N Hampshire  
Councillor J Henderson

Councillor C Hoy  
Councillor W Innes  
Councillor S Kempson  
Councillor K Mackie  
Councillor C McGinn  
Councillor P McLennan  
Councillor K McLeod  
Councillor F O'Donnell  
Councillor T Trotter  
Councillor J Williamson

### Council Officials Present:

Ms M Patterson, Chief Executive  
Ms A MacDonald, Director of East Lothian Health & Social Care Partnership  
Mr A McCrorie, Depute Chief Executive (Resources and People Services)  
Mr J Lamond, Head of Council Resources  
Mr D Proudfoot, Head of Development  
Mr T Reid, Head of Infrastructure  
Ms S Saunders, Head of Communities and Partnerships  
Ms L Brown, Chief Operating Officer – Education  
Mr S Cooper, Team Manager – Communications  
Mr K Christie, Service Manager – Revenues and Welfare  
Mr J Cunningham, Service Manager – Benefits  
Ms S Fortune, Chief Operating Officer – Finance  
Ms C Gallagher, Finance Officer – Health and Social Care  
Mr C Grilli, Service Manager – Legal and Procurement  
Mr D Henderson, Principal Accountant  
Ms K MacNeill, Service Manager – People and Governance  
Ms J Tait, Chief Operating Officer – Children's Services  
Ms K MacNeill, Service Manager – People and Governance  
Mr P Vestri, Service Manager – Corporate Policy and Improvement

### Visitors Present:

Ms E Scoburgh, Audit Scotland

### Clerk:

Mrs L Gillingwater

**Apologies:**  
Councillor G Mackett

## **1. BUDGET DEVELOPMENT 2020-23, INCLUDING SETTING OF COUNCIL TAX**

A report was submitted by the Depute Chief Executive (Resources and People Services), providing Members with an update on the budget development process and setting the scene for presenting amended budget proposals for Council Tax-setting and General Services budgets.

The Head of Council Resources, Jim Lamond, presented the report, updating Members on developments relating to the Council's funding settlement from the Scottish Government, namely that the Council would receive additional revenue support grant of £1.83 million, as well as additional capital funding of £300,000 for Cycling, Walking and Safer Streets and an unspecified amount to support a new energy efficiency scheme. He confirmed that the Administration's amendment to their budget proposals took account of the revised settlement figures, but did not cover the additional funding for Cycling, Walking and Safer Streets and the energy efficiency scheme – these would be reflected within the quarterly finance reviews to Council.

Mr Lamond also informed Members that he had received notification from the Scottish Government on 28 February that a variation had been made to a condition relating to funding support for Integration Joint Boards (IJBs), which would provide the Council with flexibility to offset adult social care budgets by up to 2%. He stressed that this information had not been available at the time when the Administration's amendment was being finalised on 27 February.

Mr Lamond pointed out that the revised settlement provided the Council with a £2.5 million increase in cash terms. However, this still equated to a real-terms reduction in core revenue funding of 2%. He noted that the settlement offer was still classified as draft, with the completion of the Scottish Government's budget not due to conclude until 5 March, and the UK Government's budget not taking place until 11 March.

Referring to the Administration's amendment to the draft budget proposals, Mr Lamond confirmed that it was competent and in compliance with the Council's approved Financial Strategy. He sought approval of the report recommendations, which had been updated to reflect the revised financial settlement offer, adding that any decisions taken on the Administration's amendment would be considered as conditional on the terms of the revised settlement offer remaining in place and that should this position change, it would be necessary to bring forward an emergency report to Council.

In response to questions from Members on the amended funding settlement from the Scottish Government, Mr Lamond confirmed that this would not fully fund the teachers' pay and pension settlement, and that he was not able to provide details on the reasons behind changes to the funding of IJBs. Claire Flanagan, Chief Finance Officer for the IJB, anticipated that the increased funding would not fully cover cost increases associated with health and social care services.

### **Decision**

The Council agreed:

- i. to note the position regarding the delayed Draft Local Government Settlement offer of 6 February, as further updated, as set out within Sections 3.2-3.3 of the report; and

- ii. to consider and make recommendations in relation to the respective General Services budget proposals included within the agenda, reflecting formal amendments proposed to the Draft Administration Proposal for General Services approved by Cabinet on 21 January 2020.

## **2. BUDGET PROPOSALS ON GENERAL SERVICES – AMENDMENT SUBMITTED BY THE ADMINISTRATION**

Councillor Hampshire presented the Administration's amendment to the budget proposals. He thanked Councillor Innes for his input into the process, and officers for their support and advice. Councillor Hampshire advised that the budget process had been very challenging, and highlighted the pressures of a growing population on a number of areas, including schools, care services, waste services and transport services. He proposed an increase in Council Tax by the maximum of 4.84%, thereby reducing the budget deficit from £12 million to £8 million. He paid tribute to the Finance Team for their work on the loans fund review, which had resulted in a reduction in repayments by £4.556 million. On the use of reserves, Councillor Hampshire advised of the proposal to use £1.466 million of available reserves, anticipating that by Year 3, the Council could deliver a budget without the use of reserves. He also announced that there would be a review of staffing, estimating that this would generate efficiencies in the region of £2 million. He advised that a further £3 million of savings would be required, and that, with regret, the £600,000 educational attainment funding previously allocated to the Area Partnerships would be discontinued. He also pointed out that the teachers' pay and pension increases had not been fully funded by the Scottish Government. He highlighted the school expansion programme, which would result in increased operating costs (of £687,000 in the primary sector, and £929,000 in the secondary sector). As regards waste services, Councillor Hampshire warned that without further investment of £473,000, the Council would not be able to provide the same level of service as at present. He concluded by stating that the Administration had had to take difficult decisions, and he called on Members to support the Administration's amendment to provide certainty on jobs and services.

The Administration amendment was seconded by Councillor Dugdale, who echoed Councillor Hampshire's comments on the financial challenges facing the Council. She pointed out that funding from the Scottish Government to local authorities had reduced by 7.6% since 2013, a significantly larger reduction than other government departments had experienced. She highlighted the impact of this reduction, combined with the introduction of Universal Credit, on tackling poverty, and on people's health and wellbeing. Councillor Dugdale spoke of the Administration's commitment to protecting services and to providing innovative new ways to deliver services. She also drew attention to a number of successful facilities delivered in the past year – the community hub at Whitecraig and the award-winning Wallyford Primary School.

Councillor McLennan welcomed the opportunity to raise a question in relation to the budget proposals. On the management of staff budgets and the reduction in core service provision, he asked how these figures had been calculated, whether trades unions had been consulted, and how these measures would be monitored. Jim Lamond, Head of Council Resources, responded, advising that the figures had been produced in discussion with the Administration in relation to what could be achieved through management of staff turnover (which would realise approximately 50% of the proposed savings), a staff performance factor equivalent to 1%, and targeted intervention to review and delete vacant posts which had not been filled during the last financial year. He added that service review work would continue and that there would also be a review of terms and conditions. He confirmed that there had been no direct formal engagement with the trades unions at this stage. As regards service provision, he advised that work would continue in relation to reducing costs and increasing income. He indicated that savings would be monitored through service budgets and through

the quarterly finance reviews, and that Members would be provided with information on planned efficiencies and progress towards delivering these.

Councillor Gilbert asked how the additional Scottish Government grant funding of £1.83 million would be used. Mr Lamond advised that less would be drawn from reserves than intended, and that an element of efficiency savings included in the draft proposals approved by Cabinet in January had been removed.

The Provost then moved to the debate.

Councillor Henderson opened the debate. She recognised the need for the Council to set a budget and Council Tax, and that there was very little time in which to do so. She was critical of the Scottish Government's approach to local government funding, which she believed was placing core services at risk. She re-stated her Group's position that they would not support a Council Tax increase of more than 3%, arguing that the Administration had not taken account of Conservative proposals to modernise the Council and run it more efficiently. She declared that the Conservative Group would not be supporting the Administration's amendment.

Councillor Currie argued that the Administration was responsible for the Council's current financial position, claiming that projected income from coastal car parking and instrumental music tuition had not been realised, and that proposals to work more efficiently or generate additional income had failed. He expressed concern at proposed reductions in funding to education attainment initiatives, advice services and supported bus services. He stated that the SNP Group would not support the proposed Council Tax increase, especially as Council rents would be increasing by 5%.

Councillor Bruce also spoke against the proposed Council Tax increase, believing that this would put additional strain on families. He questioned whether residents were getting the support they were entitled to in relation to Council Tax reduction and sought the support of other political groups to look into this matter. Councillor Bruce welcomed the proposals to review staff terms and conditions and to the changes in relation to the staffing budget. He suggested that the Council's assets could be managed and utilised more effectively, and welcomed the proposal to review and rationalise assets.

As Cabinet spokesperson for Health and Social Care, Councillor O'Donnell announced that the Administration would protect services in this area, as well as continuing to fund lunch clubs and increase funding for Children's Services. She made reference to progress made by the Integration Joint Board (IJB), notably that East Lothian was the best performing area in Scotland as regards delayed discharge. She was concerned that raising Council Tax by only 3% would result in an additional £1.2 million of efficiencies to be identified. She stated that the Administration's proposals would protect communities from the effects of austerity, and urged the Council to support them.

Councillor Akhtar expressed concern at the level of funding for East Lothian, which was one of the fastest growing areas in the UK, and was also experiencing significant growth in the numbers of school-age children. She referred to pressures within the Education and Children's Service, including the increase in revenue costs associated with the school estate and the increase in referrals to Children's Services. She argued that it was difficult to tackle child poverty and raise educational attainment when the Council's obligations were not fully funded, remarking that an additional £1 billion was required for local authorities to fulfil their commitments. She highlighted increases within the Administration's proposals for funding of children's wellbeing services, additional support for learning, and school estate improvements.

Councillor McLennan claimed that Councillor Hampshire had not engaged with the SNP Group during the budget development process. He urged all groups to work together, to consult with the trades unions, and to work collaboratively with others.

Councillor McGinn spoke of the impact on communities of decreasing budget settlements, noting that the effects would be long-lasting. He referred to increasing levels of poverty in Scotland and argued that education and mental health services were under-funded. He called on Members to support the proposals, which he believed supported young people and communities.

Councillor Forrest praised staff for continuing to deliver services in spite of the financial challenges, highlighting in particular work done by the Landscape and Countryside Service, work on flood prevention and the establishment of the new community hub in Whitecraig.

On instrumental tuition, Councillor Goodfellow suggested that this service should be funded by the Scottish Government. He pointed out that the charges for this service provided income for the Council, which was then reinvested into that service. He also noted that if coastal car parking charges were abolished, then the Council would need to make further efficiency savings. With reference to the capital programme, he advised that the Administration was proposing a 20% increase in infrastructure funding, an additional £152 million to be invested in schools, and £80 million of investment in other Council property. He also highlighted increases in funding for sport and recreation. He noted that the level of investment was in line with the Treasury Management Strategy and borrowing limits.

The Provost made reference to investment in major projects, such as Blindwells, Cockenzie and the City Region Deal, as well as the Council's continued support for small businesses. He spoke of the importance of working within budget, achieving value for money, and accountability.

The Provost then invited Councillor Hampshire to sum up for the Administration. Councillor Hampshire pointed out that the additional £1.83 million funding from the Scottish Government was still less than what was required. On staffing, he advised that over the past ten years, approximately 150 posts had been lost across the Council. He noted that he had sought to engage with both the Conservative and SNP Groups on the budget proposals, but that the SNP Group had subsequently withdrawn from the negotiations. Responding to comments made by Members, Councillor Hampshire stated that the Council received £200,000 of income from coastal car parking charges, and he argued that there had been some improvements to supported bus services. He emphasised the need for the Council to set a budget in order to give communities and staff certainty, and urged Members to support the proposals.

Councillor Currie asked if, in the event that the budget was not approved, alternative proposals could be brought back at a later date. Mr Lamond confirmed that the latest date to set a budget was 10 March.

The Provost then asked the Council to move to the vote on the amendment to the budget proposals, as submitted by the Administration. The vote was taken by roll call, as requested by Councillor Currie.

For: Councillors Akhtar, Dugdale, Forrest, Goodfellow, Innes, Hampshire, McGinn, McMillan, O'Donnell (9)  
Against: Councillors Currie, Gilbert, McLennan, McLeod, Trotter, Williamson (6)  
Abstentions: Councilors Bruce, Findlay, Henderson, Hoy, Kempson, Mackie (6)

The amendment as proposed and seconded by the Administration was therefore carried.

**Decision**

The Council agreed to approve the amendment to the budget proposals as presented by the Administration and to increase Council Tax levels by 4.84% in 2020/21 (Band D level of £1,302.62).

**3. TREASURY MANAGEMENT STRATEGY 2020/21 – 2024/25**

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval of the Treasury Management and Investment Strategies for 2020/21 to 2024/25.

The Chief Operating Officer – Finance, Sarah Fortune, presented the report. She explained that the treasury management function ensured that the Council had sufficient funds to operate services, and that it was a requirement of CIPFA that the Council should approve a Treasury Management Strategy in advance of each financial year. She drew attention to the key aspects of the report, including the positions with the General Services and Housing Revenue Account, borrowing requirements/limits, operational boundaries and the Council’s Investment Strategy.

Referring to Table 7 in the report, Councillor Goodfellow welcomed the significant increase in Council housing.

**Decision**

The Council agreed:

- i. to approve the Treasury Management Strategy, referenced within Sections 3.5 to 3.18 of the report;
- ii. to approve the Investment Strategy, referenced within Sections 3.19 to 3.21 of the report;
- iii. to approve the repayment of loans fund advances using the methodology detailed in Section 3.6 of the report;
- iv. to approve the operational boundaries for external debt, as detailed in Section 3.14 of the report;
- v. to approve the authorised limits for external debt, as detailed in Section 3.15 of the report;
- vi. to approve the delegation of authority to the Head of Council Resources to effect movement between external borrowing and other long-term liabilities, as detailed in Section 3.18 of the report;
- vii. to note the detailed Treasury Management Strategy Statement, available in the Members’ Library (Ref: 25/20, February 2020 Bulletin).

Signed .....

Provost John McMillan  
Convener of the Council





## MINUTES OF THE SPECIAL MEETING OF EAST LoTHIAN COUNCIL

TUESDAY 17 MARCH 2020  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

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### Committee Members Present:

Provost J McMillan (Convener)	Councillor N Hampshire
Councillor S Akhtar	Councillor J Henderson
Councillor L Bruce	Councillor C Hoy
Councillor S Currie	Councillor S Kempson
Councillor F Dugdale	Councillor G Mackett
Councillor A Forrest	Councillor P McLennan
Councillor N Gilbert	Councillor F O'Donnell
Councillor J Goodfellow	Councillor J Williamson

### Council Officials Present:

Ms M Patterson, Chief Executive  
Ms A MacDonald, Director of East Lothian Health & Social Care Partnership  
Mr A McCrorie, Depute Chief Executive (Resources and People Services)  
Mr J Lamond, Head of Council Resources  
Mr D Proudfoot, Head of Development  
Mr T Reid, Head of Infrastructure  
Ms S Saunders, Head of Communities and Partnerships  
Ms L Brown, Chief Operating Officer – Education  
Ms L Byrne, Group Service Manager – Children's Services  
Mr S Cooper, Team Manager – Communications  
Ms K MacNeill, Service Manager – People and Governance

### Visitors Present:

None

### Clerk:

Mrs L Gillingwater

### Apologies:

Councillor J Findlay  
Councillor W Innes  
Councillor K Mackie  
Councillor C McGinn  
Councillor K McLeod  
Councillor T Trotter

## **1. COVID-19 – EMERGENCY RECESS PROCEDURES**

A report was submitted by the Depute Chief Executive (Resources and People Services), seeking approval to put in place procedures for the democratic decision-making process to continue in the event that East Lothian Council committee meetings are unable to be convened as a result of the current COVID-19 outbreak.

The Head of Council Resources, Jim Lamond, presented the report, advising that the recommendations set out in the report would allow the Chief Executive to invoke an Emergency Recess that would effectively cancel all or any of the Council's scheduled committee meetings from 18 March until further notice. He drew Members' attention to the proposed arrangements for dealing with necessary business, as set out in Sections 3.3 to 3.6 of the report. He pointed out that it was likely that additional special provision may be required for specific committees, and sought delegated authority for the Chief Executive, in consultation with the three political group leaders, to make such provisions as necessary. Mr Lamond also requested that the group leaders nominate deposes to act on their behalf in the event that they were unavailable to take decisions.

Councillor Hampshire stressed the seriousness of the situation, and urged all Members to come together during this difficult period. He also highlighted the importance of Council communications being consistent with national communications.

Councillor Currie echoed Councillor Hampshire's sentiments. He thanked Council staff and their partners for their efforts in continuing to deliver services and assist communities. He also recognised the need for certain types of business to continue, and hoped that emergency changes to legislation would allow this to happen.

Councillor McLennan asked if the Council would be setting up a central point of contact for members of the public. The Chief Executive advised that information was already available on the Council's website and through newsletters, and that a central point of contact would be introduced soon.

Councillor McMillan made reference to the Council's Elected Members' Emergency Guidance leaflet, and urged Members to read this document. He asked group leaders to inform the clerk of their deputies by the close of business on 17 March.

### **Decision**

The Council agreed:

- i. to approve the COVID-19 Emergency Recess Procedures as outlined in Sections 3.3 to 3.6 of the report;
- ii. to delegate to the Chief Executive, in consultation with the three political group leaders, the decision to invoke the COVID-19 Emergency Recess Procedures, as and when necessary;
- iii. to delegate to the Chief Executive, in consultation with the three political group leaders, the application of specific provisions for the approval of certain types of business, as set out in Section 3.7; and
- iv. to note that a summary of all business carried out during the Emergency Recess will be brought to the next full Council meeting and that copies of all reports will be lodged in the Members' Library.

Signed .....

Provost John McMillan  
Convener of the Council





**MINUTES OF THE MEETING OF THE  
LOCAL REVIEW BODY**

**THURSDAY 20 FEBRUARY 2020  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

**2a**

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**Committee Members Present:**

Councillor F O'Donnell (Chair)  
Councillor J Findlay  
Councillor N Gilbert  
Councillor J Williamson

**Advisers to the Local Review Body:**

Mr C Grilli, Legal Adviser to the LRB  
Mr M Mackowiak, Planning Adviser to the LRB

**Other Officers Present:**

Mr N Millar, Planner

**Clerk:**

Ms F Currie, Committees Officer

**Apologies:**

None

**Declarations of Interest**

None

## **Introductory Statement by the Legal Adviser**

The Legal Adviser welcomed everyone and invited nominations to chair the meeting. Councillor Gilbert nominated Councillor O'Donnell and this was seconded by Councillor Williamson. The Legal Adviser confirmed that Councillor O'Donnell would chair the Local Review Body (LRB) on this occasion.

### **1. PLANNING APPLICATION NO. 19/01043/P: REPLACEMENT WINDOWS, 57A HIGH STREET, TRANENT, EH33 1LN**

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser outlined the background to planning application 19/01043/P which related to a first floor flat within a two storey, end-terrace, building situated on the south side of the High Street within Tranent Conservation Area. It had sought permission for the replacement of three windows in the front (north) elevation of the flat; one window in the north end of the side (east) elevation of the flat; and one window in the west end of the rear (south) elevation of the flat. The existing windows were all single glazed, white painted, timber framed windows of a sash and case opening method. The planning application had proposed to replace them with double glazed, white coloured, UPVC framed windows of a sash and case style. The application had been refused.

The Planning Adviser drew Members' attention to the planning legislation, policies and guidance relevant to the determination of the application. These were section 25 of the Town and Country Planning (Scotland) Act 1997, Policy CH2 (Development Affecting Conservation Areas) of the adopted East Lothian Local Development Plan (LDP) 2018, Scottish Planning Policy 2014 and Supplementary Planning Guidance (SPG) on 'Cultural Heritage and the Built Environment' adopted by the Council in October 2018.

He advised that the SPG expanded on policies that were set out in the East Lothian LDP and provided policy guidance on replacement windows in buildings which were in a conservation area. The SPG's guidance stated that the replacement of a window in a building in a conservation area must preserve or enhance the area's special architectural or historic character. This would normally mean that the proportions of the window opening, the opening method, colour, construction material of frames and glazing pattern should be retained. The only exceptions to this would be:

- i) Multiple glazing where there is no visible difference between that proposed and the original style of window;
- ii) If the building itself does not contribute positively to the character of the Conservation Area and where a change in window design would have no impact on the character of the Conservation Area; and
- iii) If the window cannot be seen from a public place.

The Planning Adviser confirmed that no public letters of objection or any other comments were received in relation to the application. He then summarised the planning case officer's assessment which had noted that the existing white painted timber framed sash and case windows in the front and side elevations of the applicant's flat were an intrinsic part of the character of the flatted building. Such characteristics were a significant component of the positive contribution the flatted building made to

the special architectural or historic interest of the Conservation Area. It also recorded that due to the positioning and orientation of the applicant's flat, the existing windows in the front elevation and the window in the side elevation were readily visible from the public footpath and the High Street to the north. The proposed white coloured UPVC windows would appear significantly different compared to the existing windows, and when seen in relation to the majority of the other timber framed sash and case windows that remained in the front elevations of the other flatted buildings on the north and south sides of the High Street.

The planning case officer had concluded that these differences would not preserve the positive contribution the traditional timber framed sash and case windows made to the character and appearance of the flat, to the building of which it was a part, the streetscape and to the special architectural or historic interest of the Conservation Area. Consequently, the replacement windows proposed for the front and side elevations of the applicant's flat would neither preserve nor enhance, but would be harmful to, the character and appearance of the flatted building and the character and appearance of this part of the Tranent Conservation Area. The proposed replacement of the timber framed window that existed in the west end of the rear elevation of the flat was not visible to public view and, as such, the proposed replacement would not have a significant visual impact on, and thus would not be harmful to, the character and appearance of this part of the Tranent Conservation Area.

The Planning Adviser reported that the case officer had discussed with the agent the matter of the proposed use of UPVC framed windows within the front and side elevations of the applicant's flat but no changes to the application were made. In the circumstances, planning permission was refused as a whole on the consideration that, in being harmful to the character and appearance of the Tranent Conservation Area, the proposal was contrary to Policy CH2 of the adopted East Lothian LDP 2018, the Council's supplementary Planning Guidance on 'Cultural Heritage and the Built Environment' and with the SPG 2014. In addition, if approved, the replacement windows would set a precedent for the installation of similarly designed UPVC framed windows within the publicly visible elevations of other properties within this part of the streetscape. Over time, such change would be collectively out of keeping with, and detrimental to, the character and appearance of the Tranent Conservation Area.

The Planning Adviser concluded his presentation by summarising the submission from the applicant's agent which made the following points:

- The existing windows currently installed on 57A High Street appeared to be replacement windows; they lacked the vertical Georgian glazing bars (astragals) usually found in the original windows and they had been fitted with trickle vents, which was a modern feature.
- There was a wide variety of window types within High Street including timber sliding sash, timber casement, UPVC casement or UPVC sliding sash.
- The high number of UPVC windows in the area suggested the time for preservation had gone, and although many of them may have been unauthorised replacements, nothing had been done, or was likely to be done, to return these windows to timber construction.
- The proposal sought to replace all the existing windows with white UPVC, sliding sash windows in order to maintain a traditional appearance which was sympathetic to the property whilst achieving the higher construction quality and lowered maintenance offered by the UPVC construction.
- The windows would not look out of place in the street, instead they would appear as more traditional than many of the windows in some of the other properties.

The Chair thanked the Planning Adviser for his summary.

The Chair then asked whether it would be possible for the LRB to choose to grant planning permission solely for the window to the rear of the property. She also asked whether double glazing would be considered if a fresh planning application was to be submitted. The Planning Adviser said it would not be practical to grant planning permission for the single window as it was such a minor part of the application. He also confirmed that double glazing could be considered as part of a fresh application.

The Legal Adviser reminded Members that they had the option to grant consent for the application, to refuse it or to grant consent subject to conditions. While he supported the view of the Planning Adviser in relation to granting permission for the single rear window, he acknowledged that Members did have that option.

Councillor Gilbert asked about the differences between wood and UPVC frames. The Planning Adviser explained that the profile of a UPVC frame was thicker than that of a wooden frame and would therefore be more noticeable from the street.

Councillor Findlay asked about the age of the building and was advised that it had been built in the early 20<sup>th</sup> century.

In response to a final question from the Chair, the Planning Adviser said that the existence of other UPVC windows in nearby properties was not material to the current application. It was not possible to know how and when those other windows had been installed and whether planning permission had been sought. He added that, from a planning perspective, the position was that only timber frames were acceptable in a conservation area.

The Chair asked her colleagues if they were satisfied that they had sufficient information before them to determine the application. They confirmed this to be the case, that no further information or formal hearing was required. Members also confirmed that they had attended a site visit earlier that day.

The Chair then provided a brief assessment of the case and asked Members to give their opinions.

Councillor Williamson said he had walked around the area prior to the site visit and had noted several different styles of windows in the High Street. While he understood the relevant planning policies, he pointed to the exception allowed where a building did not contribute to the character of a conservation area. In his view, the building was of no architectural merit and furthermore was not listed. He recalled similar issues elsewhere with replacement windows but, given its recently declared position on climate change, he felt that the Council should be encouraging people to reduce their carbon footprint. He added that to the untutored eye there was little difference between the existing and proposed windows. He would therefore be minded to overturn the case officer's original decision and to grant planning permission.

Councillor Gilbert echoed Councillor Williamson's comments. In this particular case, he did not think that the conservation area was the main priority and therefore he did not consider the window frame material to be a priority. In his view the building was not significant within the High Street and many other buildings on the street had similar windows to those proposed in this application. He did not view the proposals as being detrimental to the High Street but rather of benefit to the building, the applicant, and the



climate by making the applicant's home cheaper to heat. He was minded to support the application.

In reply to a question from the Chair, Councillor Gilbert confirmed that he was assessing the impact on climate change as warranting a departure from planning policy. However, he did not see this as setting a precedent and he emphasised the importance of taking each application on its individual merits.

Councillor Findlay commented that conservation areas were important but that conservation did not always equal preservation. Referring to the exception included in the planning policy, he observed that this particular building did not, in his view, add to the character of conservation area. He agreed with Councillor Gilbert about the need to balance the impact on climate change against other factors. He also accepted Councillor Williamson's remark that there were already many other similar replacement windows in the area. He was therefore minded to go against the case officer's recommendation on this application but he reiterated the need to consider each case on its merits.

The Chair said that the High Street in Tranent was an area she knew well and that there were a number of buildings of a similar age; some of which were of note architecturally and had been sympathetically renovated. In her view, UPVC framed windows were likely to be more noticeable than timber framed windows and while she was concerned about climate change, she thought that there were other options available to the applicant for replacement windows. She also noted that the building's flat roof and insulation would help with the heating. She was therefore minded to support the case officer's original decision.

The Chair then asked Members to restate their opinion regarding the officer's original decision: Councillors Williamson, Gilbert and Findlay indicated that they would not uphold the case officer; and the Chair indicated that she would. It was therefore a majority vote in favour of overturning the case officer's decision.

**Decision**

The ELLRB agreed by majority to overturn the decision of the case officer and to grant planning permission.

Signed .....

Councillor F O'Donnell  
Chair of Local Review Body (Planning)





**MINUTES OF THE MEETING OF THE  
LOCAL REVIEW BODY**

**THURSDAY 19 MARCH 2020  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

**2b**

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**Committee Members Present:**

Councillor N Hampshire (Chair)  
Councillor L Bruce  
Councillor K Mackie

**Other Councillors Present:**

Councillor C Hoy (Item 1)

**Advisers to the Local Review Body:**

Mr C Grilli, Legal Adviser to the LRB  
Mr R Edgar, Planning Adviser to the LRB

**Clerk:**

Ms F Currie, Committees Officer

**Apologies:**

None

**Declarations of Interest**

None

## **Introductory Statement by the Legal Adviser**

The Legal Adviser welcomed everyone and invited nominations to chair the meeting. Councillors Bruce and Mackie proposed and seconded Councillor Hampshire. The Legal Adviser confirmed that Councillor Hampshire would chair the Local Review Body (LRB) on this occasion.

### **1. PLANNING APPLICATION NO. 18/00421/P: CONVERSION OF AGRICULTURAL BUILDINGS TO FORM 3 HOUSES AND CARPORT, ERECTION OF 6 HOUSES AND ASSOCIATED WORKS AT LONGNEWTON FARM, LONGNEWTON, HADDINGTON EH41 4JW**

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser outlined the background and detail of planning application no. 18/00421/P which related to the conversion of agricultural buildings to form 3 houses and the erection of a further 6 houses at Longnewton Farm, Haddington. He advised that the existing steading buildings were in varying states of repair and the proposals would involve the demolition of the majority of these buildings. The application had been refused.

The Planning Adviser drew Members' attention to the planning policies and guidance which were most relevant to the determination of the application. These were: Policy DC2 (Conversion of Rural Buildings to Housing); DC4 (New Build Housing in the Countryside); DC5 (Housing as Enabling Development); DC9 (Special Landscape Areas); and DP2 (Design) of the adopted East Lothian Local Development Plan 2018.

He advised that there was no dispute that the development was in the countryside and therefore policies DC2 and DC4 were of particular relevance. Policy DC2 set out specific criteria in relation to conversion of existing buildings, including a separate section on steading conversions. Policy DC4 listed circumstances under which new housing may be deemed acceptable, including as a direct operational requirement of agricultural or other similar business use.

The Planning Adviser summarised the planning case officer's assessment which had looked at the individual elements of the development. He had concluded that Blocks C, E and B would have to demonstrate a link with existing agricultural or other operations to be acceptable under policy DC4; however they may be allowed under policy DC5 as this part of the proposal enabled the primary/main structure to be retained. The case officer had noted that the financial appraisal which had been carried had been inconclusive, however, the applicant had argued that the new build element was necessary to ensure the preservation of the existing steading. In response, the case officer had pointed out that the majority of the existing buildings were to be demolished as part of the development.

In relation to Block A and D, the planning case officer had concluded that while these were acceptable in terms of policy DP2, there were elements which were not in keeping with the steading or surrounding area. In addition, policy DC9 required that the development should not be harmful to the historical character of the steading buildings. In summary, the planning case officer had come to the view that the application should

be refused on the grounds that the proposals did not accord with the requirements of policies DC5, DC9 and DP2.

The Planning Adviser confirmed that the application had been refused for the reasons outlined. He then invited questions from Members.

The Chair thanked the Planning Adviser for his summary.

In response to questions from the Chair, the Planning Adviser provided further clarification of the reasons why the proposals were considered to be contrary to planning policy, with reference to the scale of the proposed development, its impact on the surrounding area and that it would constitute new build in the countryside.

The Chair asked his colleagues if they were satisfied that they had sufficient information before them to determine the application. They confirmed this to be the case.

The Chair then invited Members to give their opinions.

Councillor Bruce observed that this was a sizeable application with a significant amount of supporting documentation. He said that the site visit had been very helpful and that the application site was in a beautiful part of the county. He considered policies DC1 and DC4 to be the most important with regard to protecting the countryside and keeping East Lothian special. He believed it was important to interpret and apply policy correctly and, in his view, the planning case officer had made the correct decision. Councillor Bruce believed that the proposed development would set a harmful precedent. He also agreed that the balance between the new development and restoration of the existing steading buildings was out of kilter, and would be out of place and harmful to the surrounding landscape. For these reasons, he would uphold the decision of the planning case officer to refuse planning permission.

Councillor Mackie agreed that the site visit had been helpful. She also agreed with the majority of the points made by the planning case officer and she made particular reference to policy DC5, quoting the circumstances in which housing as an enabling development may be supported. However, in her opinion, not enough of the original buildings would be maintained and restored to comply with this policy. She also considered that the proposals would have an adverse and unacceptable impact on the surrounding landscape. In addition, she did not think that the proposals were of an appropriate nature for the location and would be contrary to policy DC2. She would be supporting the decision of the planning case officer to refuse planning permission.

The Chair acknowledged that East Lothian contained a lot of steading developments, many of which included restoration work. He noted that the steading at Longnewton Farm was in very poor condition and required significant restoration or it could be lost. However, he considered that the proposals amounted to an overdevelopment of the site. He added that it would have been better to have had a smaller proposal which was more sympathetic to the site, more ecologically viable, and at the same time safeguarded the long-term future of the existing buildings.

## **Decision**

The ELLRB agreed unanimously to uphold the decision of the planning case officer to refuse the application for the following reasons:

1. The three detached and two semi-detached new build houses proposed would be sporadic new build housing development in the countryside of East Lothian for which a need to meet the operational requirements of an agricultural, horticultural, forestry or other employment use has not been demonstrated. The three detached and two semi-detached new building houses proposed are therefore contrary to Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018, and Scottish Government policy guidance regarding the control of new housing development in the countryside given in Scottish Planning Policy: June 2014.
2. If approved the proposed development would set an undesirable precedent for the development of new houses elsewhere in the East Lothian countryside. The cumulative effect of which would result in a detrimental impact on the rural character and amenity of the countryside of East Lothian.
3. It is not demonstrated that the new build housing proposed is the only means of preventing the loss of historic buildings making a positive contribution to the rural landscape and built heritage of the area and, on the contrary, the detached and semi-detached housing proposed in this application would, by its proposed siting, result in the loss of historic buildings which would lend themselves to a positive conversion to housing. The erection of the proposed three detached and two semi-detached houses are contrary to Policy DC5 of the adopted East Lothian Local Development Plan 2018.
4. The proposed detached and semi-detached houses would not, by virtue of their form, architectural detailing, fenestration or materials be well integrated into their surroundings and would not be in keeping with the original buildings on the site. They would significantly alter the contribution the steading makes to the character of this part of the East Lothian countryside and would be harmful to the character and appearance of the area including the special character of the Special Landscape Area all contrary to Policies DC9, DP1 and DP2 of the adopted East Lothian Local Development Plan 2018, to the Council's Supplementary Planning Guidance on Special Landscape Areas and on Farm Steading Design Guidance and with Government advice on the design of new housing development in the countryside given in Planning Advice Note 72.

**2. PLANNING APPLICATION NO. 19/00558/P: ERECTION OF AGRICULTURAL BUILDING, CAIRNDINNIS FARM, HADDINGTON EH41 4PX**

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser outlined the background and detail of planning application no. 19/00558/P which related to the erection of an agricultural building on Cairndinnis Farm, Haddington. The proposed development was within a collection of existing agricultural buildings and while it would be larger than the other buildings, it would be narrower and with a lower ridge height. The application had been refused.

The Planning Adviser drew Members' attention to the planning policies and guidance which were most relevant to the determination of the application. These were: Policy DC1 (Rural Diversification); DC9 (Special Landscape Areas); and DP2 (Design) of the adopted East Lothian Local Development Plan 2018.

He advised that the development met the requirements of policy DC1 as the applicant proposed to use it as a grain store and this use was linked with the existing farm. In relation to policy DP2 however, the Landscape Officer had concluded that scale and location of the development did not fit with the statement of importance for the Special Landscape Area (SLA). The Officer considered that the structure would be overly prominent in the surrounding landscape and that the finish of the building may not be in keeping with existing buildings and within the local setting.

The Planning Adviser concluded that, based on the advice of the Landscape Officer, the planning case officer had refused the application. He then invited questions from Members.

The Chair thanked the Planning Adviser for his summary.

In response to questions from the Members, the Planning Adviser confirmed that the SLA would take into account the special characteristics of the local landscape which would include worked farmland and the businesses associated with this land. He reminded members that planning policy DC1 emphasised the need to ensure that any development was appropriate in scale and did not detract from the characteristics of the local landscape. He also confirmed that the reasons for refusal reflected the Landscape Officer's views that this extension to the business would take it beyond the scope and purpose of the SLA. He also outlined the definition of 'public benefit' as it related to the SLA.

The Chair asked his colleagues if they were satisfied that they had sufficient information before them to determine the application. They confirmed this to be the case.

The Chair then invited Members to give their opinions.

Councillor Bruce said that it was important to protect SLAs and sites such as Traprain Law, and that planning Policy DC9 supported this view. However, he also acknowledged that East Lothian's landscape had always included worked farmland and the question for him was what impact would this additional building have on the surrounding landscape. He had concluded that the SLA would not be harmed by the proposal and, when seen from a distance, the building would not be a dominant feature on the landscape. However, he said that had the site been close to a public path then his view may have been different. He also acknowledged the need to support existing businesses. For all of these reasons, he would not be supporting the planning case officer's recommendation and was instead minded to uphold the appeal.

Councillor Mackie agreed with many of Councillor Bruce's comments and said that the site visit had been very helpful in putting the application into context. She referred to planning policy DP2 and its reference to design and scale. Having looked at the location within the farm and noting that there were already a significant number of buildings on the site, she did not think that the new building would be inappropriate or out of keeping with the surrounding site. She also noted that the farm lay within a SLA and that East Lothian had a rich farming tradition which contributed to its history and landscape. She did not believe that the development would have an adverse impact on the surrounding area and she would not be supporting the case officer's original decision.

The Chair had also found the site visit useful. He said that the proposed building would be part of a group of buildings which already existed on the site and would be narrower and lower than the others. For these reasons, he did not think that it would have a

significant visual impact on the area. He also noted that this additional building was needed to support and sustain the applicant's business and, in his view, the application should not be refused. He was therefore minded to uphold the appeal.

**Decision**

The ELLRB agreed by majority to overturn the decision of the case officer and to grant planning permission subject to conditions to be agreed between the Planning Adviser, Legal Adviser and the applicant.

Signed .....

Councillor N Hampshire  
Chair of Local Review Body (Planning)





**MINUTES OF THE MEETING OF THE  
LOCAL REVIEW BODY**

**THURSDAY 21 MAY 2020  
VIA SKYPE**

**2c**

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**Committee Members Present:**

Councillor N Hampshire (Chair)  
Councillor S Kempson  
Councillor K McLeod

**Advisers to the Local Review Body:**

Mr C Grilli, Legal Adviser to the LRB  
Mr P Zochowski, Planning Adviser to the LRB

**Clerk:**

Ms F Currie, Committees Officer

**Apologies:**

None

**Declarations of Interest**

None

## **Introductory Statement by the Legal Adviser**

The Legal Adviser welcomed everyone and invited nominations to chair the meeting. Councillors Kempson and McLeod proposed and seconded Councillor Hampshire. The Legal Adviser confirmed that Councillor Hampshire would chair the Local Review Body (LRB) on this occasion.

The Legal Adviser also outlined the procedure for the meeting to take place via Skype and statutory matters which the Local review Body were required to consider before reaching decisions on each planning application.

### **1. PLANNING APPLICATION NO. 19/00654/P: SITING OF 2 CARAVANS, 1 OFFICE BUILDING AND ASSOCIATED WORKS IN ASSOCIATION WITH EXISTING EQUESTRIAN USE FOR A TEMPORARY PERIOD OF 5 YEARS (RETROSPECTIVE), CASTLEMAINS FARM, YESTER, GIFFORD EH41 4PL**

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser outlined the background and detail of planning application no. 19/00654/P which was a retrospective application submitted in August 2019 and refused on 24 October 2019. He also outlined the reasons for refusal.

He reminded Members that Castlemains Farm accommodated an existing equestrian and stables business at its northwest part but that the application site was within a wider area that was retrospectively granted planning permission in 2017 for class 6 storage and distribution use. As such, it was not linked to the equestrian business and its assessment in terms of its use required to be against Local Development Plan (LDP) Policy DC1 which required an operational requirement for business use in a countryside location to be demonstrated. The Case Officer had contacted the agent for the application to seek a statement of justification for the application but none was forthcoming and the application was therefore determined as submitted.

There had been one letter of objection to the application which was summarised in the officer's report and which had queried the need for the accommodation for a night manager and the need for an office at that location when the equestrian area was large.

The Planning Adviser then outlined the applicant's submission. The applicant had stated that there was no space within the equestrian area where an office could be private and had noted that the caravans and office were located in an area where they could not be seen. The applicant further stated that on-site cottages were not owned by him and were not an option as accommodation. The applicant had submitted a Business Case for Office and Accommodation with his appeal which had indicated a need for a secure office outside the areas accessed by customers using the equestrian premises. It stated that there was no space for this in the equestrian buildings and that the application area had been selected as it had similar structures. It further stated that there was a need for accommodation for a stable manager to relieve the existing manager for his time off. The cottages were not available, hence a caravan for use 5 days or more per week. To minimise its visual impact in the wider area the applicant had concluded that the caravan would be best located within the existing storage yard.

The Planning Adviser referred to the planning policies relevant to the determination of this application which included Policy DC1 - Rural Diversification and Policy DP1 - Landscape Character and DP2 - Design. He added that Policy DC4 – New Build Housing in the Countryside, while not strictly requiring consideration in the determination of this application had been referred to in the officer’s report.

He advised the Members that Policy DC1 did not support the siting of caravans for temporary full time residential use as a caravan was not designed for a permanent residence. He also referred to Policy CH6 - Gardens and Designed Landscapes as being a consideration as the site lay within the wider Yester Estate which was a nationally designated Garden and Designed Landscape. In relation to the landscape policies, he confirmed that neither the Landscape Officer nor Historic Environment Scotland had made any comments or objection to the application. In addition, neither the Council’s Road Services Officer nor the Environmental Protection Manager had made any objection.

The Chair thanked the Planning Adviser for his summary.

In response to questions from Members, the Planning Adviser clarified the boundary of the application site and the structures included within and outwith the area that had previously been granted permission for storage use. He also outlined that storage of vehicles was acceptable under the terms of the grant of planning permission for Class 6 use as storage, which had been granted in 2017 and which related to the current application site.

The Chair asked his colleagues if they were satisfied that they had sufficient information before them to determine the application. They confirmed this to be the case.

The Chair then invited Members to give their opinions.

Councillor Kempson said that, in her view, the caravans were located in the wrong place and should not be used as living accommodation as they would set an unhelpful precedent. She added that there seemed to be sufficient room at the equestrian business for the siting of an office building and that any office associated with the business should be as accessible as possible for its clients. For these reasons, she was minded to support the case officer’s original decision.

Councillor McLeod agreed with the views of his colleague. While he acknowledged that the business might require a night manager, the caravan accommodation was sited too far away. He was also minded to support the decision of the case officer.

The Chair said he did not think that it was appropriate to have residential caravans located on a storage site. He observed that the business use could be better served by having something closer to the business and that the applicant had not demonstrated a need for caravans on site at their current location. He was also minded to support the case officer’s original decision.

## **Decision**

The ELLRB agreed unanimously to uphold the decision of the planning case officer to refuse the application for the following reasons:

1. There is no authorised existing equestrian business operating from the application site and no business case has been submitted to justify the need for the temporary accommodation to serve

the equestrian business to the northwest of the site, or for any other equestrian business. In all of this, there is no justification of need for either of the proposed 2 residential caravans or the office building. Consequently the development is contrary to Policy DC1 of the adopted East Lothian Local Development Plan 2018.

2. The siting of the caravans for use as a residential dwelling would set an undesirable precedent for the siting of caravans within the countryside as residential dwellings, the cumulative effect of which would result in a detrimental impact on the rural character of the countryside in East Lothian.

## **2. PLANNING APPLICATION NO. 19/00759/P: ERECTION OF SHEDS, GATES AND FENCING (PART RETROSPECTIVE), 11 GLEBE CRESCENT, ATHELSTANEFORD EH39 5BG**

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser outlined the background and detail of planning application no. 19/00759/P which was an application made in October 2019 for the erection of sheds, gates and fencing (part retrospective), at 11 Glebe Crescent Athelstaneford. The application was granted but with a condition that planning permission was not granted for the erection of the proposed fencing to be situated along the eastern and western boundaries of the existing driveway of the house at 11 Glebe Crescent.

He highlighted the applicant's submission to the Local Review Body which had originally stated that the review related to a refusal notice. This was not in fact the case and the applicant had subsequently written to confirm that it was a review of the Grant of Permission with Conditions imposed. Therefore the Local Review Body must review the application as originally submitted and consider whether it or not it agreed with the conditional grant of permission. However, the grant of permission for those parts of the application that were granted, namely the summer house and sheds to the rear and front of the property, side gate, driveway gates, side fencing and gate and front gate, was not for review.

The Planning Adviser stated that the fencing that had not been granted permission was that which had been proposed to be situated along the eastern and western boundaries of the existing driveway of 11 Glebe Crescent, in the case of the eastern boundary the fencing was to have replaced the existing high hedge. The applicant had submitted a photo of the driveway that was electronically adjusted to give an impression of what the drive would look like with the driveway gates and the 2m high timber fencing at either side, which would have a solid appearance.

The Transportation Planning Officer had not supported the erection of the proposed fencing as it would compromise visibility for drivers emerging from the driveway from both no 11 and no 13 Glebe Crescent. The Council's Road Services would normally require that any such fence should be lower than drivers eye and under 1m in height for a distance of at least 2.5m along the length of the driveway. It was for these reasons, and that the height of the proposed fencing at 2m would appear as harmfully dominant, intrusive and incongruous within the streetscape which would harm the character and appearance of the conservation area, that the fence was not granted permission.

The Planning Adviser reported that one objection had been received to the original application which had expressed concerns regarding the height and material of the

fence to be situated on the driveway, on the basis of limited visibility exiting the driveway and of any oncoming traffic in the narrow road.

The Planning Adviser drew Members' attention to the most relevant policies of the adopted East Lothian LDP in relation to the application: these were Policy CH2 - Development Affecting Conservation Areas and Policy DP2 – Design. Both policies sought to ensure that any proposed development should be appropriate to its location, particularly in respect of a conservation area.

The Planning Adviser then summarised the applicant's submission noting that, in his statement seeking the review, he asked if he could lower the proposed left side fence – the boundary with the neighbouring drive – to a height of 0.9m and in the same style and materials as previously proposed. This was confirmed in the applicant's letter, dated 26 January 2020, which referred to discussion the applicant had had with the planning case officer who had indicated that a 0.9m high fence would be acceptable. The Planning Adviser also drew attention to a further representation which stated that the neighbouring occupants had erected the fence they had been granted planning permission for through application 18/01393 and which lay at the boundary between the two properties.

The Chair thanked the Planning Adviser for his summary.

Councillor Kempson asked whether the fencing on one or on both sides of the driveway would have to be adjusted. The Planning Adviser confirmed that, although the application referred only to one side, the fencing on both sides of the driveway would have to be adjusted to a height of 0.9m to comply with the requirements of Road Services.

The Chair asked his colleagues if they were satisfied that they had sufficient information before them to determine the application. They confirmed this to be the case.

The Chair then invited Members to give their opinions.

Councillor Kempson commented that if the fencing on both sides of the driveway were to be erected no higher than 0.9m this would be acceptable. She supported the comments of the Roads Officer and agreed that the fencing on both sides of the driveway should be the same.

Councillor McLeod referred to the applicant's Notice of Review and his e-mail clarifying the focus of his review request. He noted that the applicant appeared to have taken on board the reasons for refusal of the fencing and had shown his willingness to change the height to 0.9m. Councillor McLeod agreed with his colleague's views that both side of the driveway should be the same.

The Chair also agreed with his colleagues that lowering the proposed fencing on both sides of the driveway to 0.9m would be acceptable and would be in line with the comments from the planning case officer and the Roads Officer. He noted Members' support for the review of condition and that the original condition of the planning permission should be revised or replaced.

The Planning Adviser stated that if Members were minded to strike condition 1 from the original planning permission and replace it with an alternative, he would suggest the following wording:

'The driveway fences are approved on condition that they be lowered in height to 0.9m on both sides of the driveway and for a minimum length of 2.5m from the inner edge of the footway along the length of the driveway and that they are fully installed within a period of two months of the date of this decision'.

All three Members supported the striking of the original condition 1 and the wording of the new condition.

**Decision**

The ELLRB agreed unanimously to strike condition 1 from the original planning permission and to replace with the following:

1. The driveway fences are approved on condition that they be lowered in height to 0.9m on both sides of the driveway and for a minimum length of 2.5m from the inner edge of the footway along the length of the driveway and that they are fully installed within a period of two months of the date of this decision.

Signed .....

Councillor N Hampshire  
Chair of Local Review Body (Planning)



**MINUTES OF THE MEETING OF THE  
LOCAL REVIEW BODY**

**THURSDAY 16 JULY 2020  
VIA SKYPE**

**2d**

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**Committee Members Present:**

Councillor N Hampshire (Chair)  
Councillor N Gilbert  
Councillor S Kempson

**Advisers to the Local Review Body:**

Mr C Grilli, Legal Adviser to the LRB  
Mr L Taylor, Planning Adviser to the LRB

**Clerk:**

Ms F Currie, Committees Officer

**Apologies:**

None

**Declarations of Interest**

None

## **Introductory Statement by the Legal Adviser**

Following nominations to chair the meeting, Councillors Kempson and Gilbert proposed and seconded Councillor Hampshire. It was therefore agreed that Councillor Hampshire would chair the Local Review Body (LRB) on this occasion.

The Chair outlined the procedure for the meeting and the statutory matters which the Local Review Body were required to consider before reaching a decision on the planning application.

### **1. PLANNING APPLICATION NO. 20/00137/P: CONVERSION OF FORMER COASTGUARD STATION TO FORM 1 HOUSE, COASTGUARD STATION, LAMER STREET, DUNBAR EH42 1HD**

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser outlined the background and detailed proposals contained in planning application no. 20/00137/P which related to the conversion of the former coastguard station at Lamer Street, Dunbar to form a single dwelling. He advised that planning permission had been refused on the 24 April 2020 and a request for review was submitted on 30 April.

He stated that the following policies were relevant to the determination of the application: Scottish Planning Policy, including the statement on development within conservation areas, East Lothian Local Development Plan (LDP) 2018 policies RCA1 (Residential Character and Amenity), DP5 (Extensions and Alterations to Existing Buildings), DP7 (Infill, Backland and Garden Ground Development), CH2 (Development Affecting Conservation Areas) and T2 (General Transport Impact). Also relevant was the LDP 2018 Cultural Heritage and the Built Environment Supplementary Planning Guidance and the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The Planning Adviser informed Members that ELC Roads Services had initially objected to the proposals on road safety grounds but had removed this objection when amendments to the proposals were made that demonstrated a driveway could be created allowing a car to be parked on site, and subject to confirmation that the wall and pillars along the eastern side were removed to allow for visibility and safe exiting onto the public road. Public consultation had resulted in one objection to the proposal with the reasons relating to neighbour privacy, parking and impact on the Dunbar conservation area.

He summarised the Planning Case Officer's assessment of the proposals against material planning considerations. This had concluded that there would be no unacceptable impact on issues such as neighbour privacy or overlooking, and no unacceptable impact from overshadowing or overbearing as no extensions to the building were proposed. Matters including window openings and the need for a higher western boundary were able to be controlled through planning conditions. In addition, there would be no unacceptable impact upon the conservation area. In relation to the general arrangement of the site and the amenity for future occupants of the building, the Planning Case Officer's assessment had noted that:

- the amount of internal space to use as living accommodation would be limited



- there were no windows or proposed windows at the rear of the building that would provide outlook for occupants
- there would be poor outlook from the other proposed ground floor windows due to the proximity of the building to the boundary and need for obscure glazing
- the glazed east facing façade would have most of the outlook obscured at ground floor due to a vehicle being parked on the site that itself takes up the majority of space in the front garden
- there was only a small strip of land at the back and to the sides of the building for use by occupants
- the proposed balcony would be in public view and would not provide private space.

The Planning Case Officer had determined that there would not be sufficient amenity in terms of private space, garden ground or outlook for future occupants of the building if converted to a residential dwelling. As a consequence, planning permission had been refused on the basis that the proposal was contrary to Policy DP7 of the LDP 2018.

The Planning Adviser concluded his summary of the case and invited questions from Members.

The Chair thanked the Planning Adviser for his summary.

In response to questions from Councillors Kempson and Gilbert, the Planning Adviser confirmed that the removal of the pillars and front wall on the eastern side were part of the proposals and that while the proposed glazing on the eastern side would provide considerable daylight, overall, the Planning Case Officer had concluded that there would not be sufficient outlook for the occupants.

Replying to a query from the Chair, the Planning Adviser confirmed that planning policy supported this type of development, particularly where a building was at risk of falling into disrepair.

The Chair asked his colleagues if they were satisfied that they had sufficient information before them to determine the application. They confirmed this to be the case.

The Chair then invited Members to give their opinions.

Councillor Kempson said it was important that the building had a use and she did not see the lack of garden as a barrier to redevelopment. She considered it necessary to have the 1.8m fence to separate the property from its neighbours and she was minded to grant the application.

Councillor Gilbert noted that the building was at risk of falling into disrepair, that the proposals were supported by the community council, and were sympathetic to the building and the character of the area. For these and other reasons, he was minded to uphold the appeal.

The Chair said he was aware of the building's previous use and that its redevelopment for residential use would safeguard its future. He agreed with the need for the 1.8 m fence and he accepted that the pillars and wall would have to be removed to facilitate vehicle access. He was minded to uphold the appeal and to grant planning permission subject to the conditions proposed by the Planning Case Officer.

**Decision**

The ELLRB agreed unanimously to overturn the decision of the Planning Case Officer and to grant planning permission subject to conditions to be agreed between the Members and Planning Officers.

Signed .....

Councillor N Hampshire  
Chair of Local Review Body (Planning)

**REPORT TO:** East Lothian Council

**MEETING DATE:** 25 August 2020

**BY:** Depute Chief Executive (Resources and People Services)

**SUBJECT:** COVID-19 Emergency Recess Business and Arrangements  
for 2020/21 Committee Session

**3**

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## **1 PURPOSE**

- 1.1 To inform the Council of the business undertaken during the COVID-19 Emergency Recess, in line with the decision taken at the Council meeting of 17 March 2020.
- 1.2 To inform Council of the arrangements for meetings taking place during the 2020/21 session.

## **2 RECOMMENDATIONS**

- 2.1 The Council is requested:
  - to note the business undertaken during the COVID-19 Emergency Recess, as set out in Sections 3.2 to 3.16;
  - to note that, although business continuity arrangements are still in place, the Chief Executive has determined to bring the COVID-19 Emergency Recess to an end as of 17 August 2020 and to re-start Council and committee meetings (see Section 3.17 for further details);
  - to note the proposed arrangements for meetings during the 2020/21 session; and
  - to note that the approved committee schedule for 2020/21 is subject to change.

## **3 BACKGROUND**

- 3.1 Since 20 March 2020, the Council has been operating in accordance with the COVID-19 Emergency Recess procedures approved by Council. During that period, there have been regular meetings involving Group Leaders and Cabinet Spokespersons to deal with necessary business.

All reports approved in accordance with these arrangements have been published in the Members' Library, and are summarised in Sections 3.2 to 3.16 below.

**3.2 Taxi and Private Hire Car Testing** (Members' Library Reference 37/20 – April 2020 Bulletin)

A report submitted by the Depute Chief Executive (Resources and People Services) sought approval for a temporary relaxation on the testing procedures for taxi and private hire cars in light of the pressure being experienced by the Council's Vehicle Plant Maintenance Unit (VPMU) as a result of the COVID-19 crisis. This report was approved by the Councillors Currie, Hampshire, Henderson and McMillan.

**3.3 Update on 1140 Hours of Early Learning and Childcare** (Members' Library Reference 53/20 – May 2020 Bulletin)

A report submitted by the Depute Chief Executive (Resources and People Services) provided Members with an update on the impact of COVID-19 on the implementation of 1140 Hours of Early Learning and Childcare and sought approval to amend the number of admissions throughout the year to Early Learning and Childcare settings. This report was approved by Councillors Akhtar, Hampshire, Henderson and McMillan.

**3.4 Corporate Risk Register 2020** (Members' Library Reference 54/20 – May 2020 Bulletin)

A report submitted by the Depute Chief Executive (Partnerships and Community Services) sought approval of the Risk Register for 2020. This report was approved by Councillors Currie, Hampshire, Henderson and McMillan.

**3.5 Cockenzie Power Station Site – High-level Optioneering Study into the Creation of a Cruise/Port-related Facility** (Members' Library Reference 55/20 – May 2020 Bulletin)

A report submitted by the Chief Executive advised of the high-level optioneering study into the creation of a cruise/port-related facility on the former Cockenzie Power Station site and sought approval to engage with the Minister for Local Government, Housing and Planning, and senior civil servants, to seek clarity on the potential for the development of cruise and port-related infrastructure at Cockenzie. This report was approved by Councillors Currie, Hampshire, Henderson and McMillan.

**3.6 East Lothian Local Development Plan 2018 – Design Standards for New Housing Areas Supplementary Planning Guidance** (Members' Library Reference 56/20 – May 2020 Bulletin)

A report submitted by the Depute Chief Executive (Partnership and Community Services) noted the results of the public consultation on the draft Supplementary Planning Guidance: Design Standards for New Housing Areas, and sought approval of the final draft Supplementary Planning Guidance: Design Standards for New Housing Areas. This report was approved by Councillors Currie, Hampshire, Henderson and McMillan.

**3.7 Draft ClimatEvolution Vision and Action Plan** (Members' Library Reference 57/20 – May 2020 Bulletin)

A report submitted by the Depute Chief Executive (Partnerships and Community Services) sought approval to carry out a public consultation on the Draft ClimatEvolution Zone Vision and Action Plan and, following consideration of consultation responses and any changes to the document arising following the consultation, to adopt it by the Council as non-statutory supplementary planning guidance. This report was approved by Councillors Currie, Hampshire, Henderson and McMillan.

**3.8 Common Good Funds – Budget Development 2020-23** (Members' Library Reference 60/20 – May 2020 Bulletin)

A report submitted by the Depute Chief Executive (Resources and People Services) noted the financial implications and ongoing risks relating to COVID-19 on the Common Good Funds, and sought approval of the budgets for the Dunbar, Haddington, Musselburgh and North Berwick Common Good Fund for 2020/21, and indicative budgets for 2021-2023. This report was approved by Councillors Currie, Hampshire, Henderson and McMillan.

**3.9 COVID-19 Financial Management Update** (Members' Library Reference 61/20 – May 2020 Bulletin)

A report submitted by the Depute Chief Executive (Resources and People Services) provided an update on the financial implications for the Council relating to the COVID-19 outbreak, including details on the package of financial support provided by the Scottish Government to support the COVID-19 outbreak, the emerging financial implications and pressures for the Council relating to the COVID-19 outbreak, the response from the Council to date, and the process for preparing the 2019/20 consolidated financial position. This report was noted by Councillors Currie, Hampshire, Henderson and McMillan.

**3.10 Procurement of an Operator for Musselburgh Racecourse** (Members' Library Reference 62/20 – May 2020 Bulletin)

A private report submitted by the Chief Executive advised of the current position regarding the procurement process to appoint a third-party operator for Musselburgh Racecourse, and sought approval to finalise the contract and agree to COVID-19 relaxation measures. This report was approved by Councillors Hampshire, Henderson and McMillan (with Councillor Currie abstaining).

**3.11 Local Policing Plan** (Members' Library Reference 72/20 – June 2020 Bulletin)

A report submitted by Police Scotland (per the Depute Chief Executive (Partnerships and Community Services)) sought approval of the Local Policing Plan 2020-23. This report was approved by Councillors Currie, Goodfellow, Hampshire and Henderson.

**3.12 2019/20 End-of-Year Financial Review** (Members' Library Reference 73/20 – June 2020 Bulletin)

A report submitted by the Depute Chief Executive (Resources and People Services) informed Members of the 2019/20 financial performance against approved budgets, including the impact of various non-recurring benefits, the impact on planned reserves, and the Council's Financial Strategy. This report was noted by Councillors Currie, Hampshire, Henderson and McMillan.

**3.13 Changes to Standing Orders – Remote Participation in Council and Committee Meetings** (Members' Library Reference 74/20 – June 2020 Bulletin)

A report submitted by the Depute Chief Executive (Resources and People Services) sought approval of changes to Standing Orders to allow Members to participate remotely in meetings of the Council, Committees and Sub-Committees. This report was approved by Councillors Currie, Hampshire, Henderson and McMillan.

**3.14 Draft 2019/20 Financial Accounts** (Members' Library Reference 75/20 – June 2020 Bulletin)

A report submitted by the Depute Chief Executive (Resources and People Services) noted the draft annual accounts and key results for 2019/20, and sought approval to submit the draft annual accounts to External Audit prior to the statutory deadline of 30 June 2020 (authorising the Chief Finance Officer to make any required late changes to the unaudited financial statements prior to submission). This report was approved by Councillors Hampshire, Henderson, McLennan and McMillan.

**3.15 Applications for Common Good Funding** (Members' Library Reference 87/20 – August 2020 Bulletin)

A private report submitted by the Depute Chief Executive (Resources and People Services) sought approval of two applications for funding to Musselburgh Common Good Committee and one application for funding to Haddington Common Good Committee. Musselburgh Rugby Football Club was awarded funding of £50,000 (subject to conditions being met), Musselburgh Athletic Football Club was awarded funding of £9,300, and Blooming Haddington was awarded funding of £5,000. This report was approved by Councillors Bruce, Currie, Hampshire and McMillan.

**3.16 Ladies Scottish Open 2020 Exemption Order** (Members' Library Reference 89/20 – August 2020 Bulletin)

A report submitted by the Depute Chief Executive (Resources and People Services) sought approval to authorise the making of The East Lothian Council (Ladies Scottish Open, The Renaissance Club) (Exemption) Order 2020 in order to exclude a certain area (as set out in the plan attached to the Order) from public rights of access in terms of the Land Reform (Scotland) Act 2003 for the duration of the Ladies Scottish Open Golf Tournament (00.01 hours on 13 August 2020 to 23.59 hours on 17 August 2020, unless revoked earlier). This report was approved by Councillors Bruce, Currie, Goodfellow and Innes.

## **Arrangements for Meetings, 2020/21 Committee Session**

- 3.17 The report to Council on 17 March 2020 on the COVID-19 Emergency Recess Procedures stated that it would be for the Chief Executive to decide when to end the Emergency Recess. Although the Council remains very much in COVID-19 crisis response mode, consistent with national advice in relation to the Scottish Government Route Map, significant progress has been made towards restoring various Council services, including extending initial governance and decision-making arrangements established in March. Despite business continuity arrangements still being in place, the Chief Executive has indicated that the Council is now in a position to bring the Emergency Recess to an end (as of 17 August) and re-start Council and committee meetings, albeit with meetings taking place remotely. It should be noted, however, that the Planning Committee meeting of 18 August and Local Review Body meeting of 20 August will be held under the specific provisions agreed as part of the Emergency Recess arrangements, as those meetings were called prior to the Emergency Recess being brought to an end. During the recess period, the procurement of a new remote meeting facility, 'Public-i Connect Remote' was undertaken. This facility will be used as the platform for hosting Council and committee meetings until such times as physical meetings can resume safely. Public meetings will be webcast live through Connect Remote and the recordings will be available for six months following the meeting.
- 3.18 Members are asked to note that there may be some changes to the approved committee schedule for 2020/21, with possible reductions in meetings for some committees. Given that the Council remains in COVID-19 crisis response mode, the Chief Executive may use her existing powers to call additional/emergency meetings of the Council to deal with necessary business. Members will be kept informed of any changes to the approved schedule of meetings.

## **4 POLICY IMPLICATIONS**

- 4.1 As outlined in the submitted reports specified in Section 3.

## **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

## **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – As outlined in the submitted reports specified in Section 3.

As regards the costs associated with the Connect Remote system, it is estimated that the annual cost of using the system for public meetings could be in the region of £22,500 (which includes the creation of an ELC-branded micro-site, training for users, testing and technical support, and

broadcast meeting time). The costs will be recorded as COVID-19 related and, along with other such costs, it is hoped this will attract government funding support. Efforts will be made to accommodate ongoing costs thereafter within the budget for the People & Governance Service and removing production of hard copy papers.

- 6.2 Personnel – the introduction of a remote meeting facility is likely to impact on the Committee Team resource, particularly during the initial period of operation and for meetings with large numbers of participants. Resources within that team will need to be prioritised to deliver the changes and additional resources allocated where possible.
- 6.3 Other – As outlined in the submitted reports specified in Section 3.

## 7 BACKGROUND PAPERS

- 7.1 East Lothian Standing Orders
- 7.2 Report to East Lothian Council, 17 March 2020 – COVID-19 Emergency Recess Procedures
- 7.3 Report to Members’ Library – Procurement of Digital Meetings System (Members’ Library Ref: 79/20 – July 2020 Bulletin)

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**REPORT TO:** East Lothian Council

**MEETING DATE:** 25 August 2020

**BY:** Chief Executive

**SUBJECT:** COVID-19 – Management of Council Response & Recovery

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**4**

## **1 PURPOSE**

- 1.1 To provide an up-to-date summary account of how the Council has responded to supporting the national public health crisis caused by the COVID-19 pandemic both in terms of our response and also our preparedness for recovery and renewal.

## **2 RECOMMENDATIONS**

### **2.1 Council is asked to:**

- i note the contents of this report and to acknowledge the unprecedented effect the COVID-19 outbreak has had on both the East Lothian community and delivery of Council services;
- ii thank the many community volunteers and Council staff who have come together to support the community response to supporting people in need across the county;
- iii note the ongoing COVID-19 response in respect of service delivery and interventions necessary to continue to contain the spread of the virus, particularly the ongoing deployment of Business Continuity Plans in support of National Guidance and appropriate public health measures e.g. physical distancing etc.
- iv note the development of COVID-19 recovery planning workstreams and their programmes of work, whilst observing on-going COVID-19 response activity; and,
- v note a further updated COVID-19 Response and Recovery report will be presented to the next meeting of Council.

### **3 BACKGROUND**

#### **COVID-19 Response**

- 3.1 With awareness of the developing COVID-19 outbreak worldwide, East Lothian Council Emergency Planning arrangements were refreshed during January and February 2020.
- 3.2 At its meeting of 17 March 2020, the Council held a special meeting to consider potential implications associated with the COVID-19 pandemic and emerging national public health crisis. Since that time, Council decision-making has been operating under specific delegated emergency powers and arrangements and services continue to operate under their Business Continuity Plans.
- 3.3 On 23 March, the COVID-19 national ‘lockdown’ was called by the UK and Scottish Governments. Council Management Team (Crises Response Team) met immediately and Business Continuity Plans were formally invoked across all services on 24 March 2020, activating longstanding and detailed plans for dealing with emergencies. This meant that responding to the COVID-19 emergency became the Council’s immediate priority. Our strategy throughout has been to follow Scottish Government Guidance and to ensure that the Council continues to provide public service, minimising the impact of the developing COVID-19 outbreak, ensuring critical services are prioritised and planning takes place for council services to recover beyond the outbreak.
- 3.4 The COVID-19 Command and Response Structure, see Appendix 1, with the Chief Executive as the designated ‘Gold Command’ within the Council’s emergency planning arrangements, created a framework of local strategic leadership and oversight to the COVID-19 response. The Head of Communities & Partnerships was designated ‘Silver Command’ and tasked with leading the Council’s COVID-19 Emergency Planning Response. The Council Management Team (CMT) have held COVID-19 CMT Meetings weekly, also attended by Police Scotland’s Local Area Commander for East Lothian, and have operated an Emergency Crisis Response Team (CRT) Out of Hours (evening and weekend) planned response rota to provide effective leadership across services 24/7 throughout the COVID-19 Response.
- 3.5 As in any significant national emergency, e.g. “The Beast from the East”, the Council’s Emergency Planning COVID-19 response is guided by the Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005 and the well-established national emergency planning response network, i.e. the Scottish Co-Ordination Group (SCG), the East of Scotland Regional Resilience Partnership (EoSRRP) and Lothian and Borders Local Resilience Partnership (LRP), Local Authorities Resilience Group for Scotland (LARGS), and the Multi-Agency Co-Ordination Centre (MACC).
- 3.6 To oversee the operational response to the COVID-19 outbreak and activation of the Council’s Emergency Planning arrangements, the East

Lothian Council COVID-19 Oversight Group (COG), attended by Service Managers and key officers across Council and Health & Social Care Partnership services, was established on 28 February 2020, chaired by the Head of Communities & Partnerships. The COG has now met 39 times, such has been the breadth and pace of co-ordinated response required to meet the local challenges of the COVID-19 emergency. Deployment of the national UK Government, Cabinet Office, Resilience Direct software, an online private 'network' which enables civil protection practitioners to work together during the preparation, response and recovery phases of an event or emergency following the Civil Contingencies Act 2004 requirements. By utilising Resilience Direct, East Lothian Council was able to facilitate the creation of a confidential information sharing depository accessed by all Council services and emergency planning partners, to aide timely and effective collaborative response to the developing COVID 19 emergency.

3.7 The COG quickly established a number of sub-groups to address specific COVID-19 obligations placed on local authorities and partners through the 4 Nations Coronavirus Action Plan, the Coronavirus Act 2020 and 'Scotland's Routemap Through and Out of the Crisis' and associated Scottish Government Guidance. These groups have included:

- Children's Services and Connected Community Hubs Working Group – to oversee the closure of schools and community centres (which took place w.e.f. 20 March 2020) and creation of Key Worker and Vulnerable Children Childcare Hubs and establishment of 6 Connected Community Resilience Bases, to support local volunteer efforts.
- Mass Fatalities Working Group – to plan for additional mortuary provision within the County should the COVID-19 death rate exceed local mortuary capacity.
- Shielding/Support for People Working Group – to respond to the Scottish Government's Support for People Programme providing COVID-19 advice, guidance, pharmacy, food and welfare support to East Lothian's 3462 shielding people - see Appendix 2.
- Food Working Group – to map, co-ordinate and deploy community based Scottish Government grant funds and initiatives to address food insecurity and support local food provision to those unable to access food due to COVID-19 consequences e.g. self-isolating, financial hardship.
- Support for Business Working Group – to oversee deployment of the national package of funding made available to support local businesses and to co-ordinate advice and guidance to the business sector.
- Open Spaces Working Group – to oversee and co-ordinate safe access to public spaces and deployment of Council and Police resources in support of the gradual easing of lockdown.

- Public Protection Enhanced Oversight Group - strategic leads from social work, health and police operated weekly meetings (initially) to oversee and monitor the safe and effective operation of multi-agency public protection arrangements. The Public Protection Critical Services Oversight Group moved from quarterly to fortnightly meetings to provide strategic governance and oversight of public protection as a response to the increased risks to public safety brought by the lockdown restrictions.
  - Chief Social Work Officer Enhanced Oversight - to ensure oversight of the impact of the lockdown restrictions on professional social work practice and implement the statutory requirements of the relevant parts of the Coronavirus legislation.
- 3.8 Services, partners and communities have been working tirelessly to protect vulnerable people and to ensure delivery of critical services whilst keeping customers and staff safe. At all times, we have supported our communities and our staff and followed Scottish Government Guidance. To help manage the risks associated in meeting this objective, a COVID-19 Corporate Risk was added to the Corporate Risk Register, reported to and approved under Emergency Recess arrangements on 26 May 2020.
- 3.9 Community Response: The Connected Communities Service established 6 Resilience Bases across the county, working in partnership with Community Councils, Area Partnerships and local third sector and voluntary groups. This enabled co-ordination of the extensive community support response required countywide. The Association of East Lothian Community Councils local Resilient Community Groups and Area Partnerships, responded to the call in support of the Council's emergency planning response, to stand up their local resilience groups – effective 20 March 2020 - to provide locally based welfare support across our communities, e.g. emergency food provision, pharmacy delivery, shopping, dog walking, activity packs, hearing aid batteries, welfare checks, etc. This saw 20 local Resilience Groups operate across the county providing sustained essential support to those most vulnerable and whose daily lives had been adversely affected by the COVID-19 outbreak. The formation of local Community Resilient Groups since 2013, supported by the Emergency Planning Team, has proven to be a pivotal and vital community collaboration in responding to this emergency. **The phenomenal contribution made by the hundreds of volunteers who have committed thousands of hours, days, weeks and months to supporting those most in need county-wide has been enduring, immense and highly valued.** This has been a prolonged emergency like no other ever experienced by our communities. East Lothian's network of community groups, 3<sup>rd</sup> Sector organisations and passionate and committed volunteers, have 'got us through' – we owe huge thanks to them all, with many only now 'standing down' their emergency response with the pausing of the Shielding Programme on 31 July 2020.
- 3.10 Communication – externally and internally - has been vital to our effective response to COVID-19.

External Communications: The Contact Centre has operated a bespoke COVID-19 Helpline throughout. A COVID-19 page was introduced on the Council's website, providing up-to-date public news and information about our COVID-19 response and changing service provision as we moved through the Phases of the Scottish Government's Routemap. This has been complemented by timely and informative Facebook and Twitter social media releases. East Lothian's local press and radio stations have contributed significantly by sharing news and local stories of interest to help keep our community well informed. As a listening Council, Elected Members have played a critical role in relaying local issues to Officers, to ensure quick response and resolution to issues as they arose county-wide.

Internal Communications: The Chief Executive has provided weekly briefings to Elected Members and employees. Weekly meetings have taken place between our Joint Trades Unions and Human Resources colleagues and 10 Employee Briefing Notes have been issued to ensure our workforce is up-to-date on employment matters affected by COVID-19. Regular employee wellbeing bulletins, particularly the introduction of 'Wellbeing Wednesday' alerts, have been issued to help those employees who might be struggling with anxiety or other mental health issues, directing them to appropriate sources of support.

- 3.11 The impact on Council services, customers and staff cannot be underestimated. 'Lockdown' saw the Council move to delivery of business critical activity and, to limit the spread of the virus, all Council staff who could work from home were asked to work from home - in some cases staff were reallocated to undertake work in other services where possible. Many Council buildings were 'mothballed' in order to follow the strict Scottish Government guidance to 'Stay at Home'.
- 3.12 The Council's COVID-19 response has been driven by our three East Lothian Council values: The East Lothian Way - Enabling, Leading and Caring.

**Enabling** – recognising that the Council cannot do everything itself, we have supported the vast voluntary effort that has risen up in all our communities.

**Leading** – the Council has led the response to the emergency in East Lothian ensuring that critical services continued to be delivered and quickly established vital services to protect vulnerable children, older people and those most at risk from the virus.

**Caring** – throughout the emergency we have put the needs of the vulnerable in our society and our communities at the heart of our response.

- 3.13 The Council's response to COVID-19 has been agile and flexible, built on the core behaviours we deploy in support of the ELC values. Examples of how our employees and partners have responded to COVID-19 in 'The East Lothian Way' are noted below:

**WORKING TOGETHER - We collaborate with our partners, customers and colleagues to build strong and lasting relationships based on understanding, compassion, trust, integrity and mutual respect.**

- We have relied on 20 Resilient Community Groups, 6 Area Partnerships and many local 3<sup>rd</sup> Sector and voluntary Groups across the county that have marshalled over 1,500 volunteers. Our Connected Community Managers and teams helped to support community resilience arrangements across our towns and villages providing valuable support to those who need help with shopping and other necessities. Property Maintenance have provided invaluable assistance with deliveries county-wide.
- In partnership with the NHS, our Health and Social Care Partnership and Children's Services have been working to protect vulnerable people, supporting care homes, providing vital home care services and supporting high risk vulnerable children.
- A number of Council services collaborated to create Children's Hubs – providing emergency childcare for the children of key workers and bespoke services for vulnerable children requiring additional support.
- Council services have been working very closely with Police Scotland in the enforcement of social/physical distancing regulations by providing advice to members of the public and businesses across the county.

**BE THE BEST WE CAN BE – staff take responsibility and use their initiative to deliver the highest quality of services as efficiently and effectively as possible.**

- Social care and social work staff continued to be on the front line delivering personal care to vulnerable individuals while maintaining relationships to help individuals, families and cared for young people to make positive changes. This was particularly challenging with limited home visits and face to face contact and instead relying on phone calls to maintain contact.
- Adult Resource Centres operated in Port Seton and Tynebank supporting those service users identified at the highest level of risk; additional outreach support has been provided in service user homes and weekly contact made with all service users, families/carers and providers.
- All Care Homes operated as normal with support from the Health and Social Care Partnership to ensure safe and effective patient care; physical distancing measures have been practised and personal protective equipment has been supplied to homes as needed with a regular PPE support hub established in East Lothian Community Hospital.

- Our residential staff are also challenged with supporting cared for young people during the 'lockdown' and advising them on the importance of social/physical distancing when, like young people everywhere, they wish to be out and about socialising with friends.
- Many services have had to adapt the way they operate to enable staff to continue to provide services whilst working from home; for example processing applications for crisis grants from the Scottish Welfare Fund.
- Maintaining the regular cycle of domestic, food and recycling waste collection and introducing a monthly garden waste collection service across the county.
- Over 2,000 council staff, including teachers had to adapt to working from home to continue to deliver services whilst some were reallocated to support work outwith their normal areas of work.
- To ensure sound financial management and provide some headroom to focus on the financial implications of COVID-19 upon the 2020/21 operating year, an early decision was taken to designate the proper and effective closure of the 2019/20 financial year in accordance with normal statutory requirement. This allowed the submission of the unaudited accounts to Audit Scotland by the end of June and for the annual external audit processes to continue.

**INITIATE & EMBRACE CHANGE – the Council and its staff embrace the need for change and initiate new ways of working.**

- Our Registration Service extended to a 7 day a week service. As government regulations temporarily suspended the registration of births and postponed marriages, our Registrars developed systems for registering deaths online and over the phone.
- The catering service quickly established a new system to ensure the continuation of lunches to families that qualify for free school meals – delivering over 1,000 weekly lunch packs.
- Several services joined forces to develop systems for processing Business Support Grants – to date over 1,500 grants in excess of £17M have been awarded to support local businesses and a re-designed web landing area has seen comprehensive and co-ordinated support and advice for businesses.
- The Council's IT service supported over 2,000 staff with the equipment and software to be able to work from home, using technology in new ways to keep in touch with colleagues and with service users. This service also led the rapid in-house development of an application to manage the administration of those within our community who were shielding.

- Six Children's Hubs were quickly established, with volunteer staff from various services to provide emergency childcare for the children of key workers and vulnerable children requiring additional support, extending the vital service over the Easter and summer breaks. Connected Communities youth workers and Arts staff have provided key supports for some children and young people to help keep them engaged.
- The Council's Legal Services Team adapted to new ways of working with temporary enforced closure of the Scottish Courts and Land Registry, whilst ensuring ongoing support to Council services, particularly to Children's Services in respect of Child Protection Orders.

**MAKE THINGS HAPPEN - We plan and deliver our work effectively, making sure we understand needs and priorities.**

- The Amenity Service's burial team continued to operate full time and have supported bereaved families on the government restrictions of the number of mourners that can be present at gravesides.
- Our school staff have been working hard to facilitate remote learning – and we've seen a number of positive technological approaches being adopted, including use of Google Classroom. Together with IT, work is well underway supporting the deployment of dedicated computing devices to more than 1400 pupils that can be used in school and at home.
- Some staff who could not do their normal job as their service was 'mothballed' were redeployed into different roles to support the effort to deliver critical and new services such as the Children's Hubs, support for Shielded People and the assessment and approval of Business Grant applications.
- To make sure that our Council suppliers did not suffer in cash flow terms from the unintended consequence of disruption to Council staffing levels caused by lockdown, shielding and isolation requirements, new paperless payment processes were quickly developed and implemented by the Creditor's Team and supported by Internal Audit. To further protect our critical supply chain, arrangements were also quickly established by Procurement, Finance and relevant services to administer and support a scheme of supplier hardship relief: although applied broadly, some of the initial sectors provided with assistance included Social Care Providers, Early Learning Partner Providers, local transport operators and the construction sector.
- We set up a system and special team of staff from various services including the Contact Centre, Museums and Libraries to contact over 3,400 Shielded People to ensure they receive the support they needed to self-isolate, including arranging grocery and prescriptions deliveries to their homes.



**CUSTOMER FOCUSED - We put our customers at the heart of everything we do.**

- A COVID-19 Helpline was set up to provide a dedicated number for people requiring our support/ referral to community resilience groups.
  - Staff from various services supported local resilience efforts, delivering public donations to the local Foodbank as well as assisting with the delivery of essential groceries and prescriptions to people who had to self-isolate.
  - The Council's dedicated COVID-19 webpages provided key information, daily updates, guidance and advice about the pandemic and how the council adapted its services to continue to provide the critical and emergency services that people rely on.
- 3.14 From these examples of how services have risen to the challenge of 'doing things differently', lessons learned have been captured. These lessons will be used to inform the onward delivery of the Council Plan and the East Lothian Partnership Plan as we seek to capture the innovation and agility that has enabled us to respond quickly and effectively to the COVID-19 pressures we have faced.
- 3.15 Throughout the COVID-19 Response phase, the performance of all councils has been closely monitored by the Scottish Government, COSLA and SOLACE. Appendix 3 contains a summary of the COVID-19 related performance data provided by the Council which highlights the scope and scale of the COVID-19 response in East Lothian.

**COVID-19 Response - Financial Implications**

- 3.16 Our COVID-19 Response phase has come at a significant cost to the public purse and has been highlighted in COVID-19 Financial Update reports to the Members' Library Service in both May and July 2020. Both of these reports set out the significant financial impact facing the Council in this year arising from COVID-19 and the financial implications facing the Council as we continue to support both on-going response and take preliminary steps towards recovery of vital public services. Whilst an extensive proportion of Scottish Government funding has been deployed through local government to facilitate the Council and partnership response, the financial costs and pressures incurred to date along with those deemed necessary in future are significantly in excess of the additional funding currently being made available and are not containable within approved budget levels.
- 3.17 The most recent report submitted in July 2020 set out an estimated financial cost in 2020-21 of around £15 million (excluding application of any potential flexibilities). A more in-depth review has now been undertaken as part of the 2020/21 Quarter 1 financial review, with current

cost pressures estimated to be around £17 million, and once adjusted to reflect both confirmed and estimated Scottish Government funding, as well as applying all permitted 'flexibilities', the result is a potential net overspend for the Council of around £7.5 million. The most significant variation from the previously reported position reflects significantly revised estimates relating to school transport in line with updated national guidance as well as the full application of all available 'flexibilities', most notably within existing 1140 hours funding streams. There is a very real possibility that further financial impacts will occur as we continue on the road to recovery. The cumulative funding pressures now facing the Council are significant and very challenging, and without additional funding interventions from central governments, there is an increasing risk of adverse impact upon the delivery of local services going forward.

- 3.18 Officers have continued to feed directly into the national discussions between COSLA and Scottish Government in order to help inform national decision-making, and to ensure that full funding is provided to support the Council's response to COVID-19. In accordance with the decision taken at the Special Education Committee on 25 June, the Education Convener sent a letter to the Depute First Minister seeking reassurance that all aspects of Education Recovery would be fully funded although at the time of writing, no response had been received.

### **COVID-19 – Ongoing Response**

- 3.19 Whilst still in the Response Phase of our Emergency Planning framework, services continue to plan for the longer term implications of COVID-19 for East Lothian. It is recognised that the economic and social impacts of COVID-19 will be key drivers for our future work, with increased levels of unemployment and poverty expected.

The impacts of COVID-19 on our communities and residents has already had significant adverse impact:

- Job numbers have reduced and benefits claims have increased
- Children's education has been impacted and for the most vulnerable children this has the potential to increase inequality in attainment and achievement
- Personal debt will have increased, people's mental health has been affected as has people's capacity to cope and manage independently of services
- Social impacts are becoming known e.g. loneliness and isolation, domestic violence etc., and we should anticipate more will emerge and evolve over the coming months.

- 3.20 Comprehensive impact assessment work is being undertaken, with new East Lothian data being gathered and metrics established. The East Lothian Partnership's 'East Lothian Profile' strategic needs assessment undertaken in 2017, will be updated. Continued engagement and consultation across all of our partners and key stakeholders will be essential to understanding and proposing new interventions on local

outcomes and any adjusted focus or altered direction necessary to meet the COVID-19 related challenges ahead. All of this will inform our preparedness for Recovery and Renewal across the county, and will inform base line measures for the future objectives in the planned review of the Council Plan and East Lothian Plan priorities and resource allocation.

- 3.21 Despite everyone's best efforts, localised COVID-19 outbreaks are now being reported across the country. At the time of writing, Aberdeen City and Grampian Health Board's experience of a localised cluster of positive COVID-19 cases indicates the fragility of the relaxations of lockdown and the implications on local communities should a 'spike' occur. It is not unreasonable to expect that a cluster of positive cases might occur in East Lothian. **It is essential that we continue to encourage our community and visitors to the area to continue to follow all public health advice intent on reducing the spread of the virus.** The coronavirus has not gone away – it has merely been 'managed' through our collective co-operation with lockdown measures keeping our incidence rates low. In July 2020, the Scottish Government put in place the 'Coronavirus 19 – Surveillance and Response Framework'. This embeds the COVID-19 Test and Protect arrangements now so familiar to all. The framework depicts the ongoing vital national surveillance and analysis of the incidence of the virus and outlines the arrangements to be followed should a local outbreak occur, and lays out the lead role of NHS Health Boards in directing the local response to a cluster outbreak. In NHS Lothian, the Public Health Directorate carry this lead responsibility and co-ordinate localised multi-agency, including Council services, response through the Chief Officer of the IJB. On 7 August 2020, the Scottish Government published 'The Scottish COVID-19 Workbook 2020'; this document brings into one place advice on how local and national public health agencies will provide support that helps to put in place the action needed to prevent virus spread, together with advice on outbreak management.
- 3.22 As we adapt to living with COVID-19 and progress through the four phases of 'Scotland's Routemap Through and Out of the Crisis' and experience ongoing relaxation of lockdown, we also need to be prepared for post-COVID service delivery. With the known annual impact of winter colds and flus across our community and staff groups, were this to be compounded with an increased incidence of positive COVID-19 cases, the ongoing emergency response to COVID-19 would be significantly adversely impacted e.g. reduced workforce capacity across services. Work is already underway to scope and model our response in such circumstances.
- 3.23 Council priorities continue to focus on meeting the two overarching strategic themes of reducing poverty and inequality and meeting our commitment to tackling the Climate Change crisis. We will also be compelled to consider other significant external influences presenting through this timeline including BREXIT and a deep economic recession with unprecedented fiscal challenges. The UK Government has already commenced a Comprehensive Public Spending Review that will provide updated public spending figures for Revenue spending (3 years) through

until 2023/24 and for Capital spending (4 years) through until 2024/25. These factors generate a significant catalyst for transformational change in the delivery of public services and life in the county.

- 3.24 The Council's programme of transformation will underpin future service delivery; embedding new ways of working across all services; delivering digital services based on our online customer platform; a re-appraisal of our assets; and, will support service re-design to ensure services are customer focused, fit for purpose and efficient and effective.
- 3.25 As we recover from COVID-19 and set about renewing the Council, our economy and our communities, we will grasp the opportunity, not to revert back to the way we were, but to move on to a new, positive future, as set out in the East Lothian vision:

*“An even more prosperous, safe and sustainable East Lothian, with a dynamic and thriving economy that enables our people and communities to flourish”*

### **COVID-19 - Recovery and Renewal Framework**

- 3.26 Only a week or so into the Council's management of the response to COVID-19 and very much in accordance with statutory guidance and good practice, the Chief Executive appointed the Head of Council Resources, assisted by the Head of Development, to act as Bronze Command and lead on the Council's preparedness for Recovery.
- 3.27 At the time of writing, the East Lothian Recovery and Renewal Co-ordination Group has met on 16 occasions since its first meeting on 3 April. Initially this was an internal Council group only but since 10 June, this has also been operating monthly on a formal multi-agency basis.
- 3.28 Early work was influenced by relevant civil contingencies statutory provisions including the Civil Contingencies Act 2004 and good practice promoted within the Scottish Government publication 'Preparing Scotland – Recovering from Emergencies in Scotland', a critical guiding light. In accordance with these provisions, it is the Local Authority that is responsible for leading upon the recovery phase.
- 3.29 An initial Terms of Reference (ToR) for the East Lothian Recovery and Renewal Coordination Group (RRCG) was prepared and approved. This includes details of the group's purpose, composition, arrangements for stand-up and stand-down and signalled the need to develop a supporting framework that will help guide and co-ordinate recovery and renewal activity across the county for the foreseeable future. Both the ToR and especially the RRCG Framework were designed to be flexible and responsive and it was always anticipated that they would change to best suit the circumstances prevailing at any given time. Revisions made and reflected within version updates have been reported into the Members Library Service.

3.30 The RRCG Framework includes a set of strategic aims and objectives, a list of 'Action Cards' for the 5 key areas of the community and business in East Lothian that have been most affected by COVID 19. This list is also considered dynamic such that it may evolve with supporting sub-structures as circumstances dictate. Each Key Area is led by a member of the Council Management Team and where possible, calls have been made upon established support groups and mechanisms already in place. The key activity areas are as follows:

- **Economy – Lead Officer Douglas Proudfoot**, Head of Development, supported by the Connected Economies Group
- **Communities – Lead Officer Sharon Saunders**, Head of Communities & Partnerships
- **Health & Social Care – Lead Officer Iain Gorman**, Head of Operations, East Lothian Health and Social Care Partnership
- **Education & Children's Services – Lead Officer Lesley Brown**, Acting Head of Education
- **Environment & Infrastructure – Lead Officer Tom Reid**, Head of Infrastructure

These key activity areas have been supplemented by three distinct support groups covering Communications (led by the Corporate Communications Manager), Equalities (led by the Service Manager Corporate Policy & Improvement) and Council Resources (led by the Chief Operating Officer Finance).

3.31 There has been substantial work undertaken by all of the key activity areas albeit that the extent to which each has been involved with response, amended response and recovery modes has varied. It is no surprise that with a more intensive and prolonged response phase, the Health and Social Care and Community workstreams are on a relative basis, at a much earlier stage of the recovery and renewal process.

3.32 **Economy** – the Connected Economies Group (CEG) which reports to the East Lothian Partnership met on 15 May and agreed that its focus would be re-purposed in the light of the emergency to support the preparedness for / delivery of the Recovery and Renewal of the East Lothian Economy from a multi-agency and partnering perspective. The CEG has participative and active membership from across a wide range of Council Services as well as from Skills Development Scotland (SDS), the DWP, Federation for Small Business (FSB), East & Mid Lothian Chamber of Commerce, Scottish Enterprise and Edinburgh College. An invitation was also taken up by VisitScotland to join the group. The CEG established a structure of sub-groups covering Town Centres, Tourism & Hospitality, Rural and Employability. The CEG has met fortnightly since 15 May and sub groups have generally met on a weekly basis, moving to a fortnightly frequency from the beginning of August.

The CEG has established and updated its action card, established an initial impact assessment, and has overseen key milestones during release of lockdown restrictions and re-start activity including 29 June which saw the re-opening of local centres and retail activity, 6 July which saw external hospitality opening up and 15 July which witnessed the re-opening of the wider tourism & hospitality sector with control measures in place.

Key support interventions and outcomes have been administered and delivered including financial support interventions (business support grants, rent deferments, additional support and flexibility for those struggling to pay business and hardship funds), single points of contact for towns & surrounding villages, re-opening advice, and clear single web-based landing point for the numerous business support enquiries. Partners have prioritised Universal Credit benefit applications, helped align and signpost businesses to wider national financial support schemes, lobbied for further interventions or to draw attention to gaps in support criteria and held a number of Webinars.

A communications plan for the Economy Key Area has been developed and campaigns devised including the launch of our “Stay Safe, Support Local and Love East Lothian” campaign. Posters have been provided to local businesses alongside social media and press activity. Our partners have also launched aligned digital campaigns, e.g. VisitScotland and Scotland Golf Coast.

Substantial work remains for significant duration in respect of Recovery & Renewal for the Economy Key Area. It is hoped though that some of the supporting infrastructure that is either already in place and being strengthened or being formed through this adversity can continue to grow and play a key role in supporting our longer term economic recovery.

- 3.33 **Communities** – Due to the intensive and ongoing community response to the COVID-19 outbreak, the multi-agency Community Recovery and Renewal Co-Ordinating Group first met on 15 July 2020. A Terms of Reference for the Group is currently in consideration by Group members and will be approved at the second meeting on 19 August 2020. The Group comprises representation from key Council services, such as Connected Communities, Sports Development & Community Recreation and Housing, and community leaders and partners from Area Partnerships, the Association of East Lothian Community Councils, Volunteer Centre East Lothian, East Lothian Tenants and Residents Panel, East Lothian Advice Consortium, Police Scotland, Scottish Fire and Rescue Service, Business Community et al.

The Group is considering community recovery and renewal planning within 5 workstream themes overarched by the intent to reduce inequalities within and across the county:

- **Public Health:** including poverty (financial, food, fuel, digital), mental wellbeing, resilience.

- **Living Well – All Life Stages:** including physical activity, outdoor space, culture, social isolation, befriending.
- **Family Life:** including family learning, domestic violence, resilience, housing.
- **Young People – East Lothian’s Future:** including youth activity, resilience, employment, attainment/awards, citizenship.
- **Community Life:** including community kindness, volunteering, pride in place, inclusion and diversity.

The Group is also developing its approach to community engagement, utilising as many existing engagement networks as possible, to inform identification of county-wide and local needs and priorities arising from the impacts of COVID-19 across the county.

As required by the Recovery and Renewal Framework, the Group’s initial work will focus on production of their Community Action Card and Community Impact Assessment and will call upon pre-existing partnership groups e.g. The Poverty Working Group, The Children’s Strategic Partnership, The Community Justice Partnership, Area Partnerships, The Active Schools Network etc., to accept responsibility for community recovery and renewal actions identified.

3.34 **Health & Social Care** – The restrictions have had considerable impacts on the delivery of all Health and Social Care Partnership (HSCP) services for the last 5 months. Managers and clinical staff have developed innovative approaches to maintain key services for patients and to sustain supplies of Personal Protective Equipment (PPE) across all clinical settings. The actions taken by the HSCP services and the likely long term plans have been discussed at length with the Integrated Joint Board (IJB). The detail of this is available on the IJB website. The operational renewal and/or recovery of HSCP services will be progressed within the management structures of the HSCP while the strategic implications of recovery during COVID-19 will be developed through the existing change board structure of the IJB. However, it is important to note that the HSCP will have to work closely with partner organisations in the public, third and independent sectors. The HSCP is also working, under instruction from Scottish Government, to support care home providers with sustainability payments which are currently available for application until September 2020.

It is likely that service delivery restrictions will continue for some time. As noted elsewhere, the longer-term impacts of COVID-19 have significant implications for the delivery of the HSCP’s services with some services planning recovery timescales in years rather than weeks. Changes will also be required to NHS Lothian’s outpatient, diagnostic, surgical and treatment services which East Lothian residents access. This is likely to include increased waits for diagnostics tests and treatments and we will continue to work with NHS and government colleagues on the prioritisation of remobilisation of key services. It is important to note that

enforced changes to services have allowed for exploration of different ways of working, including increased utilisation of video and other technologies in patient assessment, care and for service management. We are keen to learn from the positive developments e.g. the launch of a new mental health helpline, and integrate them into service recovery.

- 3.35 **Education & Children's Services** – Recovery of education and children's services has been underpinned by the Scottish Government's COVID-19 Education Recovery Group which has set the parameters within which local authorities have been expected to operate. Education and Children's Services have been firmly focussed on supporting the needs of our children, young people and families, recognising that the impact of the pandemic is likely to have been significant for some and that support will be required well in to the future. Up until 23 June 2020, plans were being developed that schools would partially reopen for pupils and that the approach would be one of 'blended learning'. However, on 23 June, the Scottish Government announced that the new planning assumption would be that all children and young people would return to school full-time at the start of the new school session. The Education and Children's Services Steering group was realigned in May as the Recovery Group and has met regularly since then. Guidance for schools has been developed by key staff from across Council services, in collaboration with the Trade Unions. At the request of Scottish Government, a Local Delivery Phasing Plan was developed that set out the steps that would be taken to reopen schools. This plan was conditionally approved by the Education Committee on 25 June 2020.

Whilst there has been an understandable focus on reopening school buildings in August, work has also been taken forward to consider how we can learn the lessons from the creative approaches taken to support young people during COVID-19 and how we can build on the successes of our teams delivering services around the needs of the young person. Our focus will remain on developing our understanding of the impact of COVID-19 on our children and families and putting in place support that enables them to succeed and achieve.

- 3.36 **Infrastructure and Environment** – The key area of Infrastructure and Environment recovery and renewal has produced substantial challenges in maintaining essential service provision around waste and recycling services, emergency road services, burial and amenity, transportation and facilities management services.

The demand has increased through the release of lockdown restrictions and the resumption of public services, particularly as people have returned to enjoying East Lothian's open spaces. The Scottish Government Spaces for People initiative, which had seen 3000 responses to the recent public engagement exercise continues to develop through further localised engagement and consultation with stakeholders, with progress being made across a number of towns in terms of physical distancing, speed limit changes and active travel interventions.



Within the early recovery of Waste Services new safe working practices were developed that enabled core services such as mixed waste, food and kerbside recycling to be seamlessly maintained. The team worked without break over a three-week period to enable a temporary garden waste collection service to clear the backlog and a new temporary monthly service has been activated to support the demand from our communities.

Transportation ensured a co-ordinated public transport network was maintained and that logistics support was provided across the hubs and food delivery work. They have equally been instrumental in designing a solution around the home to school transport requirement as schools return.

In respect of open space management and access to our coast and parks reflecting the Scottish Government Route Map to recovery a multi-agency approach was taken that consisted of Infrastructure teams working collaboratively with colleagues across Communications, Safer Communities, Risk Management and with external partners in Police Scotland to ensure access was provided safely for our residents to exercise and to then manage the demand as visitors returned. Safety and infection risk control was the focus and this work was recognised nationally for its success.

Sport, Leisure and Countryside Management maintained burial provision throughout, handled essential street cleaning and parks maintenance, and the Ranger Service led the frontline operation of open space management. They worked closely with Roads and Environmental Health to set up a Mass Fatality Facility and plan that created a resource and capacity which thus far has not been required.

Facilities Management Services redistributed their resource to support the daily and weekly changes produced by COVID19 which enabled child care hubs to open, food parcels to be constructed and delivered and planned and reactionary cleaning regimes installed to protect staff and customers. This team's focus is now firmly on the reopening of the school estate and the increased cleaning demand that is required.

Engineering have been pivotal in managing the close down of assets and then there phased recommissioning, in particular schools, offices and toilets. Their work alongside the Strategic Asset and Capital Plan Management team has developed with a focus toward contract management to ensure capital works and asset maintenance is restarted at the earliest opportunity.

Substantial focus is being given to Climate Change in the consideration of how to bring back services and work continues within the Strategic Asset and Capital Plan team to look at asset management and office utilisation drawing benefit from the opportunity presented around virtual, smart and remote working.

Joint working across Protective Services, particularly Environmental Health Service, and Economic Development, continues to support the safe operation of the business, tourism and hospitality sectors in compliance with Scottish Government Guidelines for public health management and reducing the spread of the coronavirus. Infrastructure and Environment continues to work to sustain the full range of frontline service provision and support for stakeholders and to protect and ensure the safety of our staff, residents and visitors in the face of COVID19 which includes the risk from localised infection spikes and a second wave.

### **Moving Forward: Transitioning to Recovery & Renewal, Business Continuity and Emergency Recess Arrangements**

- 3.37 The COVID-19 pandemic is very different from many of the Civil Emergencies that have been experienced, planned for and rehearsed. This is particularly the case in the context of duration, re-occurrence and extent of impact. The transitioning between Response to Recovery & Renewal is also therefore very different and must also be dynamic.
- 3.38 The Scottish Government has signalled that the Routemap and release of lockdown measures will continue through the coming months. In announcing the go-ahead to re-open schools and the ending of shielding, the First Minister also set out that Scotland could remain in Phase Three of the Routemap out of lockdown for some time to come. The virus remains highly infectious and very dangerous.
- 3.39 Whilst Emergency Planning arrangements would envisage a clean end to a response phase and the initiation of a recovery phase, this emergency is very different and as a result requires a different, more agile and sophisticated approach focussed on health & safety and specifically, public health. Whilst normally aligned in terms of timeline it is clear that decisions around governance, business continuity arrangements and formally declaring a Recovery phase although proximate are very much separate and can and should be detached from one another in this case.
- 3.40 Recovery and Renewal will continue for a long time and will inform the reshaping of Council priorities, resource allocations and services in the years ahead. It is clear that a consequence of responding to COVID-19, that the collective resource implications associated with response and recovery are significant and often recurring. Of critical importance, the Council and statutory and Third Sector partners must stand ready to revert to 'response mode' should there be any significant 'spike' or 'cluster' of COVID-19 cases within East Lothian, or neighbouring authorities. The normal winter cold and flu pressures experienced by key services, e.g. health, social care and education services etc., and the resulting impacts on staffing levels, if compounded by a local COVID-19 'spike', would result in services refocussing their resources onto 'response' priorities, potentially bringing delay to the recovery and renewal plans in progress. This remains the reality of our operating context until such times as there is a vaccine for the coronavirus, or levels of immunity across our community increase significantly.

## **4 POLICY IMPLICATIONS**

There are no direct policy implications associated with the report recommendations, although it is anticipated that response and especially recovery and renewal activity may result in significant future policy alterations for both the Council and other stakeholders. Any such policy implications will be subject to the appropriate governance and approval arrangements of each organisation.

## **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The specific recommendations made within this report do not directly affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

Recovery and Renewal Plans developed will however be subject to Integrated Impact Assessments.

## **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – The financial implications for the Council are set out in more detail in paragraph 3.16 of this report. A more detailed review on the financial implications facing the Council has been undertaken in the context of the 2020/12 Financial Year and the Quarter 1 report being considered at Council today. This will set the context for any decisions required to manage the financial commitments for the Council in both the short and medium term, including where appropriate any modification to the Council's approved financial strategy.
- 6.2 The financial implications facing the Council arising as a result of COVID-19 are significant both in the current financial year, and are likely to have implications for approved financial plans going forward. Given the potential scale of the financial pressures, it remains clear that unless the position changes dramatically with regard to the level of national government funding being made available to cover the costs of the council's response to this national public health crisis, the Council faces a financial challenge on an unprecedented scale and tough choices will be necessary in order to balance budgets. This is of increased concern should there be a local COVID-19 'spike' and cluster of cases in East Lothian, resulting in a need for localised response and additional COVID-19 expenditure for which it is not yet clear what level of Scottish Government funding would apply to enable that response.
- 6.3 Personnel – Council staff in essential direct service delivery services and roles e.g. Social Care, Connected Communities, Customer Services, Waste service et al., continued to deliver direct business critical services across the community throughout the emergency response to COVID-19.

To enable staff to deliver essential front line services, working practices changed quickly supported by centralisation and supply of essential PPE.

Other services responded to COVID-19 with an immediate and necessary shift toward homeworking for many staff, particularly those who were office and school based, and staff responded quickly, positively and effectively to this significant change. With the return of schools this month there remain approximately one thousand members of staff who are still working from home and who are likely to do so for some time.

This is a considerable change as to how we work as a Council and many HR policies are currently under review to reflect this. Managers have been flexible in accommodating changes to the working patterns and hours of staff to accommodate childcare arrangements to support homeworking. The adjustment to working from home was embraced by most and the Healthy Working Lives Team has been proactive in providing support to those struggling to cope with the change from the office environment. Paid special leave was granted to those who could not work from home but who had childcare or other caring responsibilities. Casual workers and supply teachers received compensatory payments in accordance with Government Guidance.

- 6.4 Other – Positive and collaborative working relationships with community planning partners e.g. Police Scotland, Volunteer Centre East Lothian et al, has ensured effective cross-agency co-operation and deployment of resources to meet the COVID-19 challenges experience across East Lothian.

## **7 BACKGROUND PAPERS**

- 7.1 COVID – 19 – Financial Management Update – Report by the Depute Chief Executive (Resources and People) Members Library Service dated 16/05/2020. [https://www.eastlothian.gov.uk/meetings/meeting/16539/members\\_library\\_service](https://www.eastlothian.gov.uk/meetings/meeting/16539/members_library_service)
- 7.2 COVID-19 – East Lothian Recovery & Renewal – Report by the Head of Council Resources to the East Lothian Council Members Library Service 01/05/2020. [https://www.eastlothian.gov.uk/meetings/meeting/16540/members\\_library\\_service](https://www.eastlothian.gov.uk/meetings/meeting/16540/members_library_service)
- 7.3 COVID-19 – Financial Update – Report by the Depute Chief Executive (Resources & People Services) to the East Lothian Council Members Library Service dated 02/07/2020. [https://www.eastlothian.gov.uk/meetings/meeting/16541/members\\_library\\_service](https://www.eastlothian.gov.uk/meetings/meeting/16541/members_library_service)
- 7.4 East Lothian Council COVID 19 Recovery and Renewal Framework Document, Version 1.1 – Report by Head of Council Resources to the Members Library Service dated 5 August 2020

[https://www.eastlothian.gov.uk/meetings/meeting/16685/members\\_library\\_service](https://www.eastlothian.gov.uk/meetings/meeting/16685/members_library_service)

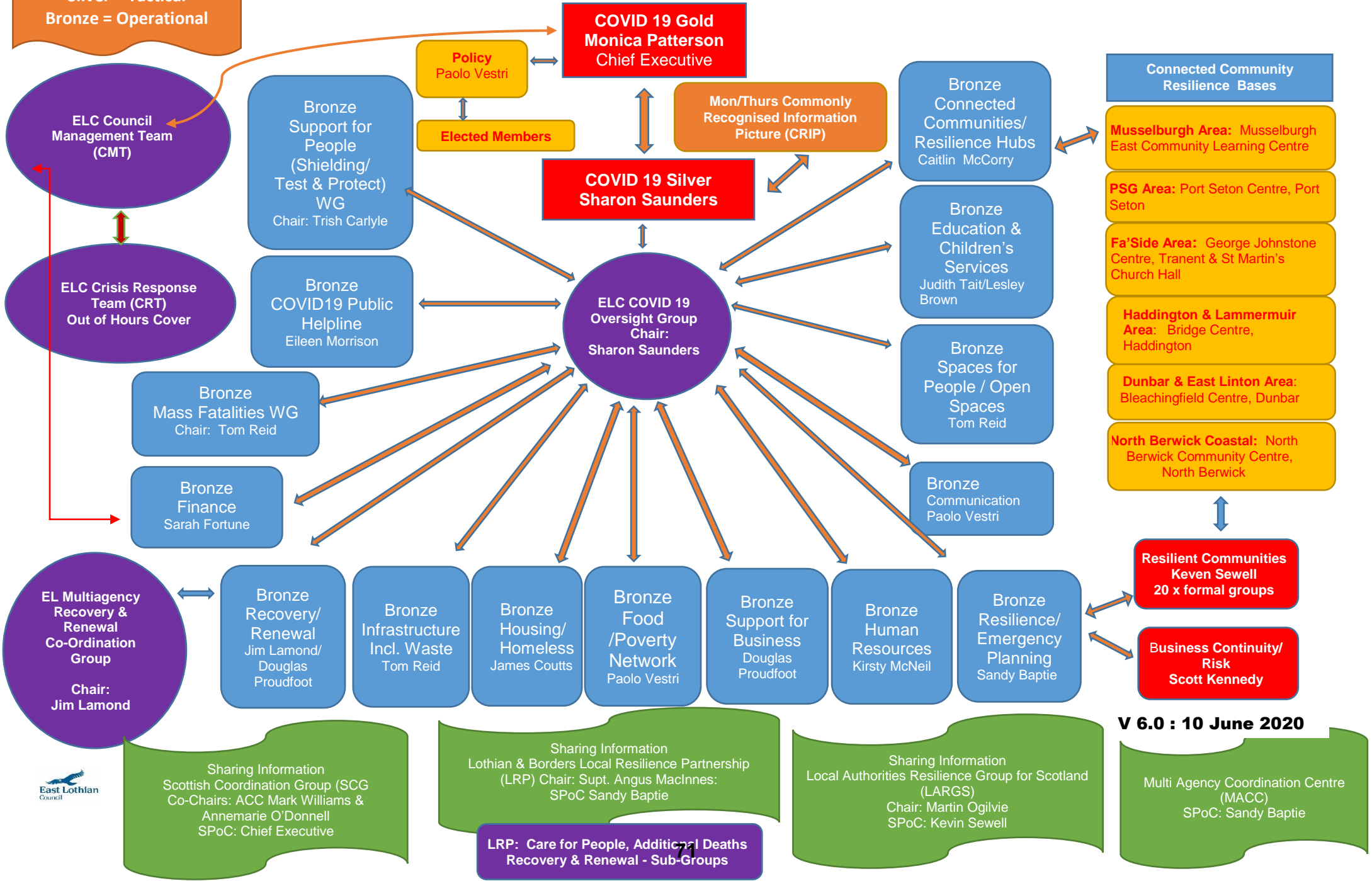
- 7.5 Corporate Risk Register – COVID-19 Risk - Item 9, Appendix 2 – Report by the Chief Executive to the Audit & Governance Committee dated 16 June 2020
- 7.6 Appendix 1 East Lothian Council COVID-19 Command & Response Structure
- 7.7 Appendix 2 East Lothian Shielding Population – Customer Feedback
- 7.8 Appendix 3 East Lothian Council’s COVID-19 Performance Overview

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**East Lothian Council COVID 19 Command and Response Structure**

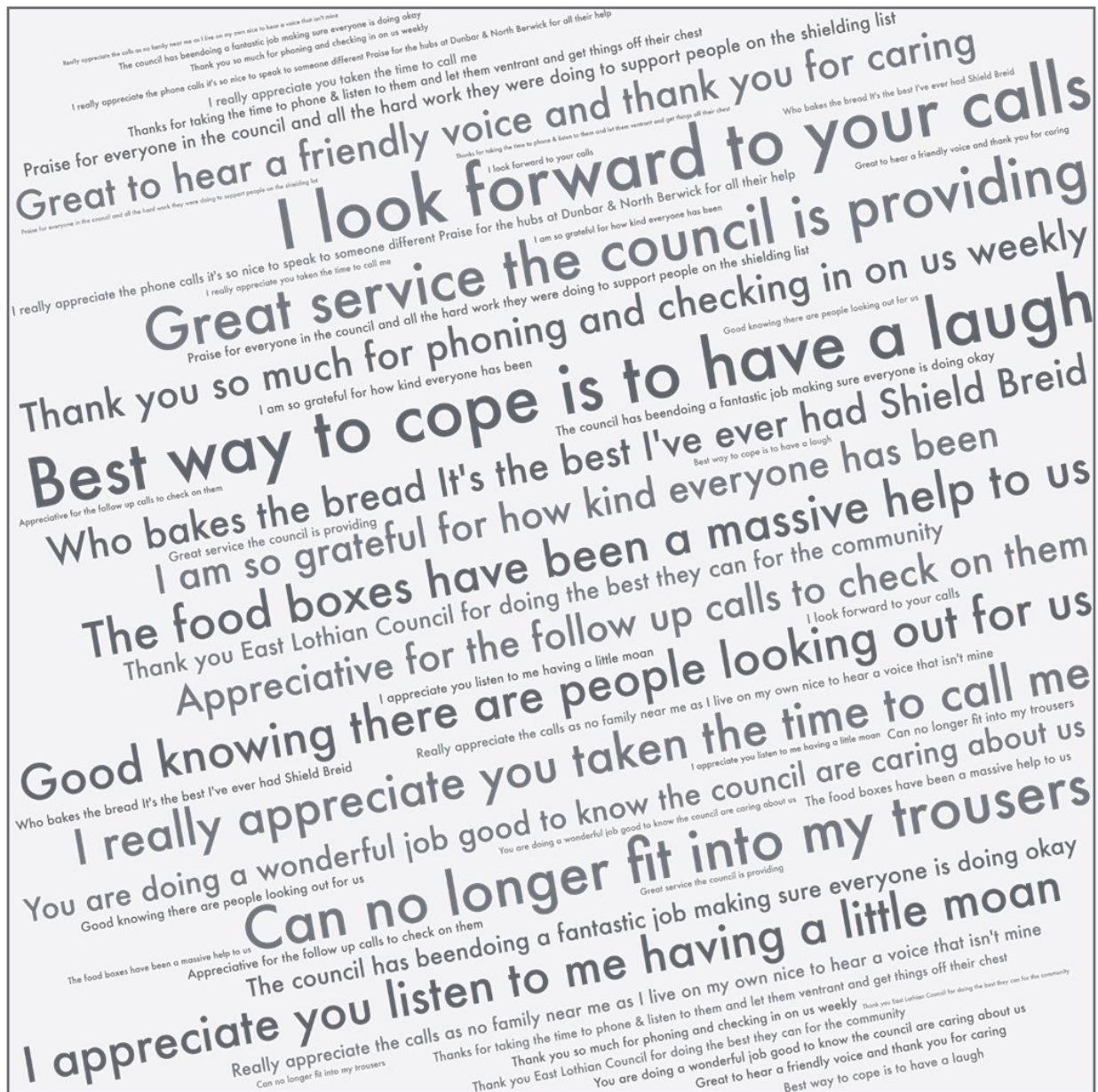
Gold = Strategic  
Silver = Tactical  
Bronze = Operational



**V 6.0 : 10 June 2020**



## Appendix 2: Comments from Shielded People





**Appendix 3: East Lothian Council's COVID-19 Performance Overview (summary of weekly COVID-19 Data Dashboard return made to COSLA)**

	<b>1 May</b>	<b>29 May</b>	<b>26 June</b>	<b>24 July</b>
Total number of individuals on shielding list in contact with ELS	1885	2997	3429	3444
Total number of individuals calling helpline	100	2329	2970	3333
Number of teaching staff physically working in schools/hubs today	47	68	238	31
Total number of children who physically attended today (excluding those that only attended for a free school meal)	207	286	418	71
Total number of children and young people for whom free school meals/ lunch packs have been provided for in school or at home	n/a	1193	1381	1151
Numbers of Corona virus Business Support Fund grant applications	1021	1420	1576	1716
Number of Corona virus Business Support Fund grants awarded	997	1283	1432	1562
Total value of Corona virus Business Support Fund grants made	£11.725m	£14,537m	£16.139m	£17.524m
Total - Number of Homeless applications received in the month	46	41	38	52
Current tenant arrears - end of period	£1,289,977	£1,467,062	£1,575,490	£1,460,445
Total - all categories delayed discharges	6	1	0	0
Number of Adult at Risk / Adult Protection Referrals over the last week	n/a	18	23	24
How many children (including unborn babies) were added to the child protection register in the last week?	0	2	1	1
How many children with child protection plans were seen face to face by a professional (education/health/social work) in the last two weeks?	39	44	38	37



**REPORT TO:** East Lothian Council

**MEETING DATE:** 25 August 2020

**BY:** Depute Chief Executive (Resources & People Services)

**SUBJECT:** 2020-21 Quarter 1 Financial Review

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**5**

## **1 PURPOSE**

1.1 To inform Council of the financial position at the end of June 2020.

## **2 RECOMMENDATIONS**

2.1 The Council is recommended to:

- Note the financial performance at the end of the first quarter of 2020-21 against the approved budgets, including the estimated financial projections for expected performance at the year-end.
- Approve the range of enhanced financial control measures including preservation of underspends, cost avoidance, management of staffing budgets, delivery of planned savings, and the requirement for officers to bring back further savings options to meet the expected shortfall in budget efficiencies.
- Note that officers will continue to monitor closely all national funding streams and will further engage in support of relevant national discussions with a view to securing full COVID-19 related funding.
- Note that more details setting out further required interventions including any necessary changes to the financial strategy will be reported to Council in October.

### 3 BACKGROUND

- 3.1 For 2020-21, the Council's financial strategy and associated financial plans have all been approved on and prior to the 3 March 2020. These plans were supported by a range of significant revenue streams including Council Tax and housing rent income.
- 3.2 Since then, the impact of the COVID-19 outbreak and our response to deliver services, which support the community and our workforce, has had a significant impact on the Council's financial plans. It is now unlikely that all budgeted income streams for the Council will be fully realised during the year, further and significant additional costs will be incurred in excess of approved budget, and that agreed savings and budget pressures may not be manageable or fully delivered.
- 3.3 Recognising the exceptional circumstances prevailing during our COVID-19 response, two financial update reports have already been reported to Members through the emergency recess arrangements and these were lodged in the Members' Library Service in May and July 2020. Both of these reports set out the potential scale of the financial impact and resulting challenge facing the Council in this financial year arising from COVID-19, as well as future implications and risks as we continue to support both ongoing response and take preliminary steps towards recovery of vital public services. Given the financial scale and significance of this, a more detailed and robust assessment than normal has been undertaken in terms of this first quarterly review and unsurprisingly, COVID-19 is the single most dominant influencing factor affecting financial performance. The emerging findings of this review are detailed within this report.

#### **General Services Revenue Summary – Quarter 1**

- 3.4 The approved General Services revenue budget for 2020-21 included the following:
- After providing for just under £19 million of corporate commitments, around £244 million has been made available to support service delivery;
  - The planned draw down of £1.466 million of General Reserves;
  - Service budgets include the requirement to deliver £1.2 million of recurring planned efficiencies, with a further £2 million of corporate efficiencies relating to management of staffing budgets also included.
- 3.5 The General Service revenue financial position at the end of June 2020 is an overspend of just under £2.4 million (3.9%), with projections indicating that this is likely to continue to increase during the remainder of 2020-21.
- 3.6 An analysis setting out the financial position across service groups is set out in **Appendix 1** with further detail setting out the key challenges and emerging risks set out within the narrative below. As set out in previous

years, each service is assigned a financial risk rating, more details of which is set out in **Appendix 2**.

3.7 The **Resources and People Directorate, covering the wider Education Group including Children's Services and Council Resources** is reporting an overspend of around £0.334 million (1.0%). The Education Group is reporting a collective overspend of £0.422 million (1.4%), with most of the pressures evident within Childrens Services (£0.493 million) and Education ASL (£0.324 million). Council Resources is reporting an underspend at end of June of £0.088 million (2.7%). The key issues arising within each of these service areas are set out below:

- Children's Services, £0.493 million over (12.3%) – Pressures remain in external residential care and external fostering, where current costs have increased due to increased placements. There are some positive signs of improvement in the financial position largely due to the enhanced service management interventions, and assisted by the additional £0.950 million investment included in the 202021 budget. Without further interventions, current forecasts indicate the service will overspend in excess of approved budgets by £2 million, a reduction of £1.2 million from 2019-20 position. This position assumes no further increase in demand for services, and is therefore there remains an risk that this can change during the year should demand increase. This position assumes COVID-19 related cost of over £0.3 million largely relating to increased external fostering. This service remains classified as a High Risk with the potential for increased service demands as further lockdown restrictions are eased.
- Education, £0.071 million under (0.3%) – Pressures remain in ASL largely relating to the education share of external placements, as well as transport costs. In addition, there are significant additional pressures in primary and secondary schools relating to costs required to support the safe reopening of schools at the start of the new session in line with Scottish Government direction and guidance. As highlighted in the 2019-20 year-end review, many of the secondary schools delivered a deficit DSM balance and have recovery plans in place. Given the current and on-going implications arising from COVID-19, these may prove challenging to fully implement. With current national implementation timescales now postponed, the Scottish Government has confirmed flexibility in the use of funds previously made available to support the implementation of the expansion of Early Learning and Childcare to 1140 hours. Our current best estimates suggest this will have a maximum value of around £3 million. However, this may not be fully realisable given the on-going review of plans and recently updated national guidance that seeks to continue to roll out full delivery of 1140 plans when it is safe and practical to do so.

- Council Resources, £0.088 million under (2.7%) – Most of this relates to staffing underspends, largely arising due to staffing posts held vacant pending the finalisation of a number of significant planned service reviews within a number of service areas.

3.8 **The Health and Social Care Directorate** is reporting an underspend at the end of June of £0.111 million (0.9%). Most of this is due to a reduction in commissioning costs due to a lower number of clients in external care homes. In line with national guidance and subject to evidenced need, the service is currently supporting sustainability payments to support care providers. The full year impact of COVID-19 related costs are in excess of £1.2 million and include a wide range of pressures including; the purchase of spare care home beds, the payment of critical supplier sustainability payments, payments to care at home providers, and additional staffing cover costs. Some additional government funding to support health and social care has already been announced and this will initially be routed through NHS. Although it is unlikely that the funding announced to date will fully meet the COVID-19 related costs, the Scottish Government has provided positive assurances that required funding will be made available through Health Board COVID-19 Mobilisation Plans. Dependent upon this assurance being delivered in practice, current estimates assume the Health and Social care budgets will deliver broadly within budget levels during 2020-21.

3.9 The **Partnership and Services for the Community Directorate** has a reported overspend of £2.128 million (29.3%). The key issues arising within each of these service areas are set out below:

- Development, £1.396 million over – Most of this relates to pressures arising from a significant under recovery of income by the Property Maintenance Trading Service whose normal operations have been badly affected by COVID-19 restrictions. To some extent, this has been mitigated by underspends in staffing and lower than budgeted spend on private sector housing grant applications. It is hoped that income levels will start to improve as service remobilisation plans are introduced, but with high levels of recurring fixed costs, current forecasts indicate that the net overspend in this service could be in excess of £3.5 million and therefore is now categorised as High Risk and will be closely monitored. We will continue to work with management to identify options to mitigate the financial pressure.
- Infrastructure, £0.792 million over (24.6%) – There are significant pressure across most Infrastructure service areas arising from COVID-19. Most of the overspend relates to loss of planned income including; building fees, car parking, trade waste and catering income although significant additional overtime costs have also been incurred within services supporting the COVID-19 response. The Roads trading account is expected to under recover on income largely due to delays in planned work due to COVID-19 restrictions, and there are significant cost pressures relating to

increased kerbside contract costs and increased waste disposal costs. Current forecasts indicate that many of these will continue during the remainder of the financial year. A number of service areas have been categorised as High Risk and this includes; Roads (both Network and Trading), Transportation and Waste.

- Communities and Partnerships, £0.060 million under (1.5%) – Most of this relates to staffing underspends across a range of service areas. Despite this, many service areas have been supporting COVID-19 related response activity, and in some areas, this has resulted in increased staffing costs particularly relating to support to those who are shielding. Current forecast suggest this underspend will continue during the remainder of the financial year.

3.10 The Corporate Management Budgets are currently reporting an underspend of £1.286 million. This includes the following:

- Additional confirmed Scottish Government Grant funding towards our COVID-19 response of £4.750 million is currently held centrally. This will be used to offset service COVID-19 costs once all costs are finalised;
- Council Tax income budgets are currently showing an under recovery of income £0.685 million largely due to lower than projected numbers of house completions arising from COVID-19 construction related restrictions. We are however also seeing significant and ongoing pressures upon in year Council Tax collection rates. Enhanced efforts are being made to support individuals who are facing economic hardship and it is hoped that ultimately this will help ensure all Council Tax due is eventually collected.

3.11 Outwith COVID-19, the Council already faced significant financial challenges that had to be tightly managed across the three-year budget period 2020-23, many of these arising from increased service demand and population growth.

3.12 The Council approved budget includes the requirement to deliver £1.2 million of recurring planned efficiencies, with a further £2 million of recurring corporate efficiencies relating to management of staffing budgets. Many of the planned service efficiencies are income generation related and there are significant and now enhanced risks around their delivery. More generally, relating to corporate staffing savings, although collectively staffing budgets remain underspent at the end of June, taking into consideration additional and on-going COVID related overtime and payments to supply and casual staff in line with national guidance there remains an on-going risk that the planned savings may not be fully realisable. In total, there is a risk that £2.2 million of planned savings not being delivered in year. Should this materialise, given the recurring nature of the saving, this will have significant implications for future years financial

plans. More detail is set out in **Appendix 3**. In accordance with normal practice, management is currently considering alternative ways to deliver any planned savings at risk of not being delivered, and more details will be provided of any proposed actions in future reports.

### **Scottish Government Funding**

3.13 This section of the report provides an update to previously reported funding made available by central governments. The Scottish Government has already received significant UK Government funding to support their response with current estimates suggesting that this is around £6.5 billion. As highlighted in previous reports, a significant proportion but not all of this funding has been allocated through local government, most notably to support grants and rate reliefs to businesses but also an element providing support to our communities. More details setting out the updated funding provided by Scottish Government in 2020-21 is set out in **Appendix 4**. This includes £27.776 million of funding including:

- £4.75 million to support the wide range of COVID related pressures facing the Council including additional funding to support Scottish Welfare Fund payments, funding to support a new system to register deaths and the 1<sup>st</sup> payment of funding to support the provision of food to the most vulnerable;
- A further £0.4 million of specific funding to extend the provision of food to vulnerable households over the summer;
- £1.36 million to support Education recovery including the recruitment of new additional teachers as well as new digital devices to support pupils.
- £21.2 million of earmarked funding received to support payments of Scottish Governments grants to small businesses, newly self employed and B&B.

3.14 As highlighted previously, it is anticipated that the Council will receive a share of additional national funding to support Education Recovery plans. An 'estimated' share of just under £1 million, has already been reflected within existing financial forecasts, with estimated costs significantly higher at over £2.2 million for the remainder of this financial year and further costs anticipated in 2021-22 and beyond. In addition, it is anticipated that the Council will receive a share of a further national £49 million funding; however, at the time of writing this report, no further details has been confirmed.

3.15 The Scottish Government has confirmed flexibility in the use of funds previously made available to support the implementation of the expansion of Early Learning and Childcare to 1140 hours, previously planned for August 2020, with implementation now delayed. Current estimates indicate that a maximum of £3 million could be available to support COVID-19 response; however, this assumes that no further extension to activity levels will be established during the remainder of this financial year,



something which may increase risks on our ability to achieve full roll-out of our delivery plans.

- 3.16 It is both acknowledged and welcome that a significant amount of new funding has been made available to Local Government, although it remains very clear that to date, this falls significantly short of meeting the full financial implications and the resultant funding gap now facing the Council.
- 3.17 It is now very clear and undisputed that the scale of adverse financial implication now facing the Council due to COVID-19 is considerable. Accepting there are many variables that may fluctuate and therefore change the financial projections during the course of the year, our current forecast suggests that the total of all cost pressures currently facing the council may be approaching £17 million, the vast majority of which are COVID related costs (currently estimated at £15 million). After application of already confirmed additional Scottish Government funding; and including the Council's estimated share of additional national funding recently announced to support re-opening of schools; and the full application of permissible 'flexibilities' within existing funding streams relating to 1140 hours, this would reduce the potential net overspend for the Council to around £7.5 million (3.1%).
- 3.18 There remains a high likelihood that costs and pressures may increase further as we progress down what will be a very long road to recovery. Already a growing number of service areas are now classified as High financial risk signalling that costs are unlikely to be contained within existing budgets. Service related pressures include loss of planned income, additional equipment and PPE costs and additional staffing costs which includes additional commitments made under direction/guidance as part of the national response such as the payment of casual and supply teacher job retention costs and the provision of supplier hardship and sustainability relief.

### **Conclusion and next steps**

- 3.19 A notable and perhaps understandable feature obvious throughout management of the pandemic is that operational reaction and response is typically committed in the absence of any clarity or certainty of funding. In the early stages of the pandemic, central government reassurances were openly made within national budgeting that all public service providers including councils, would receive the necessary support required to operate allowing them space to set aside immediate financial concerns and fully focus upon contributing to the national response to this national emergency.
- 3.20 Many new and significant obligations were imposed and additional unforeseen costs were then incurred whilst at the same time, the Council also felt the full economic realities with hugely detrimental impacts to our core income streams including assorted fees and charges, council tax, housing rents, business rates and rents. Although some of these losses may prove largely recoverable over time, a significant amount will not be

recovered and actual income levels may now fall below budgets for some time to come.

- 3.21 Previous reports have signalled a reminder of the statutory obligations that we face in relation to the proper balancing of budgets ensuring that we do not operate on a deficit-funding basis. As a consequence, there is an increasingly urgent requirement for measures to bridge the growing gap that is now evident between income and expenditure related to COVID-19. It is also vital that any solutions are sufficiently robust and sustainable that they provide more than simply short-term solutions.
- 3.22 As already reported, both UK and Scottish Governments have provided very significant financial interventions but even more funding will be necessary to properly address current shortfalls and also to support the additional obligations being imposed upon us in respect of further economic and service based recovery, test and trace and potentially managing any local spikes and re-imposition of lockdown. Without such funding, it will be impossible to balance our budgets and much more significant decisions will need to be taken that will have a potentially dramatic adverse impact upon delivery of Council services.
- 3.23 Within the prevailing uncertainty described above, but trying hard to operate within existing parameters of approved council policy, officers led by the Council Management Team are looking to implement a range of mitigations which will include the following;
- All Council managers are asked to ensure that they deliver their service commitments within their approved budget levels, including preserving existing underspends. Where demand pressures are evident, this will require appropriate management actions and/or compensating cost reduction measures to be identified.
  - All new and additional purchasing commitments should be avoided where possible.
  - Expenditure on staffing should be minimised through continued application of stringent workforce management measures including careful monitoring of vacancies and minimising the use of overtime and temporary and agency working.
  - The CMT will continue to oversee the delivery of planned efficiencies and will receive regular reports on the progress for implementing agreed savings plans. Where existing budget efficiencies cannot be delivered, alternative options to meet the budget efficiencies must be identified.
  - The Chief Executive and Head of Council Resources will manage the use of the Cost Reduction Fund as a means of reducing the Council's cost base through the delivery of planned efficiency savings and therefore reducing budget overspending.

- Maximising flexibility on all existing funding streams available within the Council.
- 3.24 It is unlikely that these interventions alone will bridge the current funding gap, and we are continuing to engage in national discussions with COSLA, and through our professional networks including Directors and Finance and SOLACE to seek assurance around additional funding for local government. In addition, COSLA remains engaged with national governments at both UK and Scottish level to seek a range of ‘flexibilities’ which could support local government in managing these pressures should no additional funding be forthcoming.
- 3.25 The financial situation facing the Council is indeed unprecedented and very significant. There are many variables which may impact on the overall financial position, both in terms of Council expenditure commitments and indeed any potential additional funding which may be received from Scottish Government, details of which may become clearer in the foreseeable months. Despite the fluidity, should no additional funding or wider flexibilities become available over the next few months, this will require some very significant additional interventions to manage the financial position, which may include changes to previously agreed policy, and indeed further changes to the financial strategy. More details setting out any further required interventions including any necessary changes to the financial strategy will be reported to Council in October.

### **General Services Capital Summary – Quarter 1**

- 3.26 In accordance with normal practice at Q1, the capital budget has been re-profiled to reflect the closing position at the end of 2019-20, the outcome of which remains subject to the conclusion of the statutory audit.
- 3.27 **Appendix 5** sets out the 2020-21 re-profiled net budget of just under £50 million, with actual expenditure to the end of June 2020 standing at less than £2 million. The implications on approved capital plans from COVID-19 has been very significant with the effective closedown of all construction and maintenance related activity. Whilst a controlled recovery/re-start is progressing, there will undoubtedly be further delays to existing plans, and the on-going implications will pose a number of risks going forward.
- 3.28 Current projections indicate the total net position for the year will be significantly lower than approved budgets, with an optimistic estimate suggesting this will be under £20 million, and which will undoubtedly have implications for future year’s capital budgets. This forecast reflects assumptions made upon a number of key variables which may ultimately vary and therefore change the actual position, a summary of these assumptions are outlined below:
- The forecasts assume the full budget relating to Assets in the Community and Community Intervention Fund is allocated. Both of these budgets are driven by demand, which may not materialise during the year.

- The projections assume the Town Centre Regeneration Fund will be allocated in full. Discussions remain ongoing to progress projects, but some delays have been experienced.
- Current projections assume delays in the Roads capital programme arising from COVID, with much of the workforce deployed to support on-going COVID related activity including the deployment of interventions to support the Spaces for People project.
- There is a risk of potential further delays within Secondary School expansion plans.
- Current projections assume an underspend on Property Renewals, although spend may increase further to support any necessary essential works to buildings as they are re-opened.
- Any further restrictions imposed arising from COVID-19 may impact the deliverability of current spend projections and plans.
- Given enhanced health and safety requirements to comply with national guidance around COVID-19, there is enhanced risk of potential cost increase in both existing and new contracts.
- There remains on-going risks around the timing and realisation of planned developers' contributions.
- There are also potential issues relating to the wider development of planned sites, which may have implications for both future capital and revenue budgets.

### **Housing Revenue Account Summary - Quarter 1**

- 3.29 At the end of June 2020 the Housing Revenue Account is reporting an underspend against current budget of £1.725 million most of which is due to underspending in repairs and maintenance due to COVID-19 restrictions. Alongside this, there are currently underspends in both operational and staffing budgets, with underspending likely to continue during the remainder of the year. Furthermore, it remains likely that there will be an underspend on anticipated debt charges, largely due to low levels of interest rate for new borrowing incurred this year. Any underspending on capital programmes will not impact on debt charges in year, but may have implications for future years anticipated debt charges.
- 3.30 These underspends are currently being offset by some pressures largely relating to: void properties due to the COVID-19 restrictions, and lower than anticipated rent income collection levels. Enhanced debt recovery work remains ongoing to support tenants experiencing difficulty in paying rent which is due. This is an area which will be kept under close review during the remainder of the year, and if rent collection levels remain low,

this may impact on future budgets including higher than anticipated bad debt requirements.

- 3.31 Current forecasts assume a phased return to normal service activity in line with current mobilisation plans, but it remains likely that a higher level of surplus in excess of planned budget will be delivered during this year. In line with the existing financial strategy whereby the Council should maximise any flexibility arising from revenue balances to minimise the future impact of debt charges, any additional surplus arising during 2020-21 will be applied in this manner.
- 3.32 Details of the Housing Revenue Account capital budgets and expenditure incurred to date is set out in **Appendix 6** of this report. The total capital budget approved for HRA was £33.540 million. As at end of June 2020, the actual spend was only £0.639 million, due to delays in planned work arising from COVID-19. Current forecasts indicate spend may start to recover on both the Council House building and Modernisation programmes, but there is likely to be a significant in year underspend, the implications of which will need to be taken into consideration in future year's programmes. Officers are continuing to explore options to maximise grant subsidy income where opportunities prevail. The Scottish Government's Mortgage to Rent Scheme continues to be supported and promoted, but in the current year to date, no eligible applications have been received.

#### **4 POLICY IMPLICATIONS**

- 4.1 There are no direct policy implications associated with this report, although, ongoing monitoring and reporting of the Council's financial performance is a key part of the approved Financial Strategy.

#### **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report has been considered and given there is no change in policy direction, there is no requirement to undertake any further impact assessment.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – as described above
- 6.2 Personnel - none
- 6.3 Other – none

## **7 BACKGROUND PAPERS**

- 7.1 Council – 17 December 2019 – Item 4 Finance Strategy 2020-25
- 7.2 Council – 25 February 2020 – Item 4 – Budget Development including setting of rent levels 2020-25
- 7.3 Council – 3 March 2020 – Item 2 – General Service Budget Proposal - Administration
- 7.4 Members Library Service 31 May 2020 – 61/20 COVID 19 Financial Management Update
- 7.5 Members Library Service 31 July 2020 – 78/20 COVID 19 Financial Update

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<b>DATE</b>	11 August 2020

Appendix 1  
 East Lothian Council  
 Budget Monitoring 2020/21 General Fund - Quarter 1

Service	Head of Service	Business Unit	2020/21 Budget	Year to Date			2020/21 Budget Variance to Date	Financial Risk Assessment
				2020/21 Actual to Date	2020/21 Budget to Date	2020/21 Budget Variance to Date		
			£'000	£'000	£'000	£'000	%	
Resources & People	Education	Childrens	15,653	4,489	3,996	493	12.3%	
Resources & People	Education	Additional Support for Learning	9,286	5,705	5,381	324	6.0%	
Resources & People	Education	Pre-school Education & Childcare	16,503	6,004	6,776	-772	-11.4%	
Resources & People	Education	Schools - Primary	43,065	5,711	5,367	344	6.4%	
Resources & People	Education	Schools - Secondary	44,812	8,363	8,285	78	0.9%	
Resources & People	Education	Schools - Support Services	3,715	753	798	-45	-5.6%	
<b>RESOURCES &amp; PEOPLE</b>	<b>EDUCATION TOTAL</b>		<b>133,034</b>	<b>31,025</b>	<b>30,603</b>	<b>422</b>	<b>1.4%</b>	
Resources & People	Council Resources	Financial Services	1,468	569	594	-25	-4.2%	
Resources & People	Council Resources	Revenues & Benefits	2,093	492	510	-18	-3.5%	
Resources & People	Council Resources	IT Services	2,304	587	603	-16	-2.7%	
Resources & People	Council Resources	Legal	326	100	116	-16	-13.8%	
Resources & People	Council Resources	Procurement	250	75	77	-2	-2.6%	
Resources & People	Council Resources	People & Governance	4,910	1,369	1,380	-11	-0.8%	
<b>RESOURCES &amp; PEOPLE</b>	<b>COUNCIL RESOURCES TOTAL</b>		<b>11,351</b>	<b>3,192</b>	<b>3,280</b>	<b>-88</b>	<b>-2.7%</b>	
<b>RESOURCES &amp; PEOPLE TOTAL</b>			<b>144,385</b>	<b>34,217</b>	<b>33,883</b>	<b>334</b>	<b>1.0%</b>	
Health & Social Care Partnership	Head of Operations	Adult SW	35,146	7,053	6,893	160	2.3%	
Health & Social Care Partnership	Head of Operations	Acute & Ongoing Care	7,500	1,826	1,885	-59	-3.1%	
Health & Social Care Partnership	Head of Operations	Rehabilitation	1,494	326	357	-31	-8.7%	
Health & Social Care Partnership	Head of Operations	Adult Statutory Services	2,511	671	627	44	7.0%	
Health & Social Care Partnership	Head of Operations	Statutory Services	1,185	310	350	-40	-11.4%	
Health & Social Care Partnership	Head of Operations	Head of Operations	3,050	815	906	-91	-10.0%	
Health & Social Care Partnership	Head of Operations	Business & Performance IJB	2,871	550	613	-63	-10.3%	
<b>HEALTH &amp; SOCIAL CARE PARTNERSHIP</b>	<b>IJB TOTAL</b>		<b>59,757</b>	<b>11,551</b>	<b>11,631</b>	<b>-80</b>	<b>-0.7%</b>	
Health & Social Care Partnership	Head of Operations	Business & Performance Non-IJB	790	301	332	-31	-9.3%	
<b>HEALTH &amp; SOCIAL CARE PARTNERSHIP</b>	<b>Non-IJB TOTAL</b>		<b>790</b>	<b>301</b>	<b>332</b>	<b>-31</b>	<b>-9.3%</b>	
<b>HEALTH &amp; SOCIAL CARE PARTNERSHIP TOTAL</b>			<b>54,547</b>	<b>11,852</b>	<b>11,963</b>	<b>-111</b>	<b>-0.9%</b>	
Partnerships & Community Services	Development	Planning	1,043	419	423	-4	-0.9%	
Partnerships & Community Services	Development	Economic Development	868	-52	-76	24	-31.6%	
Partnerships & Community Services	Development	Housing & Strategic Regeneration	687	65	85	-20	-23.5%	
Partnerships & Community Services	Development	Property Maintenance Trading Account	-863	1,267	-163	1,430	-877.3%	
Partnerships & Community Services	Development	Community Housing	2,334	-172	-138	-34	24.6%	
<b>PARTNERSHIPS &amp; COMMUNITIES SERVICES</b>	<b>DEVELOPMENT TOTAL</b>		<b>4,069</b>	<b>1,527</b>	<b>131</b>	<b>1,396</b>	<b>1065.6%</b>	
Partnerships & Community Services	Infrastructure	Facility Support Services	3,623	582	552	30	5.4%	
Partnerships & Community Services	Infrastructure	Facility Trading Activity	-276	-2,475	-2,384	-91	3.8%	
Partnerships & Community Services	Infrastructure	Asset Maintenance & Engineering Services	3,242	789	821	-32	-3.9%	
Partnerships & Community Services	Infrastructure	Asset Management & Capital Planning	-576	107	135	-28	-20.7%	
Partnerships & Community Services	Infrastructure	Landscape & Countryside Management	5,271	1,322	1,312	10	0.8%	
Partnerships & Community Services	Infrastructure	Roads Network	4,749	835	823	12	1.5%	
Partnerships & Community Services	Infrastructure	Roads Trading Activity	-694	533	-232	765	-329.7%	
Partnerships & Community Services	Infrastructure	Transportation	1,082	-248	-310	62	-20.0%	
Partnerships & Community Services	Infrastructure	Waste Services	8,093	1,978	1,878	100	5.3%	
Partnerships & Community Services	Infrastructure	Active Business Unit	3,591	588	624	-36	-5.8%	
<b>PARTNERSHIPS &amp; COMMUNITIES SERVICES</b>	<b>INFRASTRUCTURE TOTAL</b>		<b>28,105</b>	<b>4,011</b>	<b>3,219</b>	<b>792</b>	<b>24.6%</b>	
Partnerships & Community Services	Communities & Partnerships	Corporate Policy & Improvement	1,213	184	213	-29	-13.6%	
Partnerships & Community Services	Communities & Partnerships	Connected Communities	6,094	2,225	2,204	21	1.0%	
Partnerships & Community Services	Communities & Partnerships	Protective Services	1,821	368	394	-26	-6.6%	
Partnerships & Community Services	Communities & Partnerships	Customer Services Group	3,670	1,076	1,102	-26	-2.4%	
<b>PARTNERSHIPS &amp; COMMUNITIES SERVICES</b>	<b>COMMUNITIES &amp; PARTNERSHIPS TOTAL</b>		<b>12,798</b>	<b>3,853</b>	<b>3,913</b>	<b>-60</b>	<b>-1.5%</b>	
<b>PARTNERSHIPS &amp; COMMUNITIES SERVICES TOTAL</b>			<b>44,972</b>	<b>9,391</b>	<b>7,263</b>	<b>2,128</b>	<b>29.3%</b>	
Staff Performance Savings			-2,000	0	-498	498	-100.0%	
COVID 19 PPE Costs			0	200	0	200	0.0%	
COVID 19 Job Retention Costs			0	434	0	434	0.0%	
<b>OTHER COSTS TO BE ALLOCATED TO SERVICES</b>			<b>-2,000</b>	<b>634</b>	<b>-498</b>	<b>1,132</b>	<b>-227.3%</b>	
<b>SERVICE TOTAL</b>			<b>241,904</b>	<b>56,094</b>	<b>52,611</b>	<b>3,483</b>	<b>6.6%</b>	
<b>CORPORATE MANAGEMENT TOTAL</b>			<b>-241,904</b>	<b>-115,361</b>	<b>-114,275</b>	<b>-1,086</b>	<b>1.0%</b>	
<b>TOTAL</b>			<b>0</b>	<b>-59,267</b>	<b>-61,664</b>	<b>2,397</b>	<b>-3.9%</b>	
<b>TOTAL HRA</b>			<b>0</b>	<b>-6,028</b>	<b>-4,303</b>	<b>-1,725</b>	<b>40.1%</b>	

**Appendix 2**  
**East Lothian Council**  
**Budget Monitoring 2020/21 - Risk Factors**

<b>Financial Risk</b>	<b>Factors</b>	<b>Implications</b>
<b>High</b>	<ul style="list-style-type: none"> <li>- The Business Group has been assessed as likely to overspend in the financial year</li> <li>- There has been a history of overspending within Units / Groups</li> <li>- There are new or revised funding arrangement and / or legislature changes with financial significance</li> <li>- Trading Accounts are in deficit for the year.</li> <li>-Grant schemes, on which the Council is reliant are either unconfirmed or have not been confirmed</li> <li>-The service is demand led and the Council has restricted control over the level and form of service</li> <li>- New Services are planned</li> </ul>	<ul style="list-style-type: none"> <li>-Cabinet &amp; Members Library reports with financial implications are not passed under delegated powers</li> <li>-Directors / Heads of Service will be asked to prepare a financial recovery plan</li> <li>-The Head of Council Resources may take enforcement action to ensure budgetary control</li> </ul>
<b>Medium</b>	<ul style="list-style-type: none"> <li>- There is significant potential that Business Group could overspend in the financial year</li> <li>- There have been previous incidences of some overspending within Units / Groups</li> <li>- There are new or revised funding arrangement and / or legislature changes with financial significance</li> <li>- Trading Accounts are having difficulty meeting financial targets</li> <li>-Grant schemes, on which the Council is reliant are either unconfirmed or have not been confirmed</li> </ul>	<ul style="list-style-type: none"> <li>-Members library reports are only passed when financial implications are addressed</li> <li>-Directors / Heads of Service will be asked to identify actions necessary to ensure expenditure is within budget by the year-end.</li> </ul>
<b>Low</b>	<ul style="list-style-type: none"> <li>-Finances are generally under control for the current financial year</li> <li>-Stable legislature, trading and funding environment</li> <li>-The service is supply led - i.e. the Council can decide the level and form of service</li> <li>-Finances in previous financial years have been controlled</li> <li>-Grant schemes are stable and not anticipated to change significantly</li> </ul>	<ul style="list-style-type: none"> <li>-Members library reports are approved promptly under delegated powers</li> </ul>



Appendix 3  
 East Lothian Council  
 2020/21 Budget Efficiencies - Quarter 1

Service	2020/21			
	Achieved	Amber	High	
	£'000	£'000	£'000	
Education	47	0	0	
Council Resources	9	0	10	
H&SCP	0	0	0	
Communities	774	0	0	
Development	53	0	50	
Infrastructure	91	110	69	
Corporate	0	2,000	0	
<b>Total</b>	<b>974</b>	<b>2,110</b>	<b>129</b>	<b>3,213</b>
	30.31%	65.67%	4.01%	

Savings Currently High - Red

Service	Proposal	Value	Comments
IT	Expected revenue from sale of hardware due to refresh	10	Not anticipated to be achievable at this stage due to COVID 19
Property Maintenance Trading	Efficient workforce management to be met from service redesign, strict management of vacancies, agency costs and increased productivity.	30	Unlikely to be achievable due to loss of Property Maintenance trading income
Property Maintenance Trading	New opportunities for income maximisation	20	Unlikely to be achievable due to loss of Property Maintenance trading income
Facilities Trading	School Meal charges	16	Lower than planned School Meal income due to COVID
Facilities Trading	Grab and Go expansion	8	Lower than planned School Meal income due to COVID
Landscape &	Amenity Service - income generation target	20	Not anticipated to be achievable at this stage due to COVID 19
Roads Network	3% uplift on existing income	5	Not anticipated to be achievable at this stage due to COVID 19
Roads Trading	Explore new opportunities for income management	20	Not anticipated to be achievable at this stage due to COVID 19
<b>Total</b>		<b>129</b>	

Savings Currently Medium - Amber

Service	Proposal	Value	Comments
Transport	Supported Bus Contract	110	New contract in place and invoices being monitored to ensure saving is delivered. This may be difficult due to the implications of COVID restrictions
All	Efficient workforce management to be met from service redesign, strict management of vacancies, agency costs and	2,000	May not be able to be fully realisable in year due to additional pressure on staffing budgets.
<b>Total</b>		<b>2,110</b>	

#### Appendix 4 – Scottish Government Funding

Detail	Total National Funding	Total ELC Funding	Additional Comments
Non Domestic Rates Relief	£1bn	NDR (£9.508m)  GRG + £9.508m	<ul style="list-style-type: none"> <li>• Neutral position to the Council</li> </ul>
Grants to Support Business	£1.2bn	£20.9m	<ul style="list-style-type: none"> <li>• Neutral position to the Council</li> <li>• Ring fenced specific funding</li> <li>• Applications open until 10 July 2020</li> <li>• Final confirmed position for ELC £17.6m</li> </ul>
Hardship fund provided to support Councils	£50m	£0.965m	<ul style="list-style-type: none"> <li>• Non ring-fenced funding</li> </ul>
UK Government consequentials to support Local Government	£155m	£2.991m	<ul style="list-style-type: none"> <li>• Non ring-fenced funding</li> </ul>
Scottish Welfare Fund – additional funding	£22m £23m (pending) TOTAL: £45m	£0.334m  TBC	<ul style="list-style-type: none"> <li>• Non ring-fenced funding</li> <li>• Initial allocation of £22m allocated to Local Authorities.</li> <li>• No specific detail provided as to the remaining £23m allocation – but</li> </ul>

			indication that this will be 'targeted to where it is most needed'.
Increased eligibility for social security benefits and increased cost to the Council Tax Reduction Scheme (CTRS)	£50m	None to date	<ul style="list-style-type: none"> <li>No specific details provided but it is understood that this will be used to establish a reserve to fund any additional requirements of the CTRS if demand exceeds the current national £351 million.</li> </ul>
Food Fund to support Food inequality (1 <sup>st</sup> tranche)	<p>£70m</p> <p>(£30m to local authorities – see comments)</p> <p>£30m to support food to shielded individuals *</p> <p>£10m investment to 3<sup>rd</sup> Sector organisations *</p>	£0.447m	<ul style="list-style-type: none"> <li>Non ring-fenced funding</li> <li>£30m now allocated to Local Authorities (£15m to support households in receipt of free school meals and £15m to support vulnerable families)</li> </ul> <p><u>Free school meals</u></p> <ul style="list-style-type: none"> <li>The funding will be used to offset the costs of supporting and distributing free school meals to those currently in receipt of FSMs</li> </ul> <p><u>Support to Vulnerable Households</u></p> <ul style="list-style-type: none"> <li>The funding has been allocated to Area Partnerships to target a more localised approach to support food distribution to vulnerable households.</li> </ul>

			*funding directed via Third and Voluntary sector – current estimates spend lower than total available resources
Food Fund (2 <sup>nd</sup> Traunche)	£27.6m	£0.178m  £0.250m  TOTAL £0.428m	<ul style="list-style-type: none"> <li>• Specific grant funding</li> <li>• Support FSM costs between July to mid August</li> <li>• Support People at Risk between July to September</li> </ul>
Discretionary Housing Payment	£5m	None to date	<ul style="list-style-type: none"> <li>• Details still to be confirmed</li> </ul>
Death Registration Service	£0.6m	£0.012m	<ul style="list-style-type: none"> <li>• Non ring-fenced funding</li> </ul>
Wellbeing Fund for 3 <sup>rd</sup> Sector	£50m*	None – 3 <sup>rd</sup> sector	<ul style="list-style-type: none"> <li>• Scottish Government grants of between £5k - £100k</li> </ul> <p>*funding directed via Third and Voluntary sector – current estimates spend lower than total available resources</p>
Communities Fund	£40m*	None – community Groups	<ul style="list-style-type: none"> <li>• Scottish Government funding to be made available to community groups to support small scale resilience</li> <li>• It is anticipated an initial £10m will be made available through Community</li> </ul>

			<p>Anchor Organisations although no detail has yet been provided.</p> <ul style="list-style-type: none"> <li>• No detail as to how the remaining £30m will be allocated / utilised.</li> </ul> <p>*funding directed via Third and Voluntary sector – current estimates spend lower than total available resources</p>
3 <sup>rd</sup> Sector Resilience Fund	£20m*	None – 3 <sup>rd</sup> sector	<ul style="list-style-type: none"> <li>• Grants to be delivered through Firstport, Social Investment Scotland and Corra Foundation.</li> <li>• Provides grants up to £0.100m and 0% interest loan facilities</li> </ul> <p>* funding directed via Third and Voluntary sector – current estimates spend broadly in line with available resources</p>
Scottish Government Retained Reserve	£25m	None	<ul style="list-style-type: none"> <li>• Announced as part of the initial £350m in March to support communities</li> </ul>
Extension of Business Support Grant	£120m	None to date	<ul style="list-style-type: none"> <li>• No specific additional funding has been provided by the Scottish Government</li> </ul>

Support for new self-employed & B&B	<p>£34m</p> <ul style="list-style-type: none"> <li>- £20.4m initial payment</li> <li>- £13.6m held back</li> </ul> <p>(in addition a further £66m through Enterprise Agencies)</p>	<p>£0.337m</p>	<ul style="list-style-type: none"> <li>• 60% paid to local authorities' remainder will be allocated based on review / monitoring of claims.</li> <li>• Scheme closed on 10 July</li> <li>• Final confirmed position for ELC £0.228m</li> </ul>
Additional Teaching and Support Staff	<p>£50m (split academic year)</p> <p><b><u>20/21</u></b></p> <p>£30m (Teachers)</p> <p>£3.3m (support)</p> <p><b><u>TOTAL</u></b></p> <p><b><u>21/22</u></b></p> <p>£15m (Teachers)</p> <p>£1.7m (support)</p> <p><b><u>TOTAL</u></b></p>	<p>£0.572m</p> <p>£0.064m</p> <p><b><u>£0.636m</u></b></p> <p>£0.286m</p> <p>£0.032m</p> <p><b><u>£0.318m</u></b></p> <p><b><u>£0.954m</u></b></p>	<ul style="list-style-type: none"> <li>• Ring-fenced specific funding</li> <li>• Funding designed to support additional teaching and support staff required to support loss of learning suffered by pupils and resilience in Education system</li> </ul>

	<b>TOTAL (ALL)</b>		
Education Recovery Funding	£20m (upfront) £30m (ring-fenced based on actuals)	Not yet confirmed  No details yet confirmed	<ul style="list-style-type: none"> <li>• No specific allocation yet confirmed relating to £20m – but anticipated initial funding to be distributed to all local authorities.</li> <li>• No specific detail confirmed relating to £30m – but likely to be based on evidence of spend</li> <li>• Current Education recovery costs anticipated to be circa £2.2m for 2020/21 financial year with further anticipated costs in 2021/22 in line with the academic year and beyond</li> </ul>
Additional Teachers and support staff (2 <sup>nd</sup> Traunche)	£30m	Not yet confirmed	<ul style="list-style-type: none"> <li>• No specific details yet confirmed</li> </ul>
Digital Inclusion	£30m	£0.401m (capital) £0.07m (revenue)	<ul style="list-style-type: none"> <li>• Confirmed allocation to support the purchase of additional digital devices for children</li> </ul>
Additional UK Consequentials	£49m	To be confirmed	<ul style="list-style-type: none"> <li>• No specific details yet confirmed</li> </ul>
<b>TOTAL</b>	<b>£3.101bn</b>	<b>£27.776m</b>	

Summarised as follows:

- Scottish Government Grants to Business / NSEHF	£21.237m
- Hardship Funding to support COVID response including SWF, Food Fund 1 <sup>st</sup> tranche & Registration of deaths	£4.749m
- Specific Grant Funding - Food Fund	£0.428m
- Education Recovery	£1.362m
<b>TOTAL</b>	<b>£27.776 million</b>



**Appendix 5**  
**East Lothian Council**  
**Budget Monitoring 2020/21 General Services Capital - Quarter 1**

**Expenditure**

<b>Community Projects</b>
Assets in the Community - Investment
Community Intervention
Dunbar Conservation Area Regeneration Scheme (CARS)
Support for Business - Gateside West
CCTV
Town Centre Regeneration
<b>Total Community Projects</b>

<b>ICT</b>
IT Programme
Replacement - CRM Project (Customer Services)
<b>Total ICT</b>

<b>Fleet</b>
Amenties - Machinery & Equipment - replacement
Vehicles
<b>Total Fleet</b>

**Open Space**

<u>Annual (In-Year)</u>		
Approved Budget 2020/21	Updated Budget 2020/21	Actual 2020/21
£'000	£'000	£'000

250	250	-
600	600	32
430	430	-
2,021	2,021	10
62	62	-
-	1,146	14
<b>3,363</b>	<b>4,509</b>	<b>56</b>

2,100	2,100	351
-	70	
<b>2,100</b>	<b>2,170</b>	<b>351</b>

237	237	97
1,990	2,621	159
<b>2,227</b>	<b>2,857</b>	<b>256</b>

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Cemeteries (Burial Grounds)	300	300	46
Coastal / Flood Protection schemes - East Beach, Dunbar	-	81	17
Coastal / Flood Protection schemes - Haddington	280	280	-
Coastal / Flood Protection schemes - Musselburgh	800	800	23
Coastal Car Park Toilets	443	443	-
Core Path Plan	50	50	-
Mains Farm Sports Pitch & Pavilion	540	572	26
Polson Park	138	138	-
Sports and Recreation LDP	279	279	-
Waste - New Bins	160	160	40
Waste - Machinery & Equipment - replacement	40	40	-
<b>Total Open Space</b>	<b>3,030</b>	<b>3,143</b>	<b>151</b>

<b>Roads, Lighting and related assets</b>			
Cycling Walking Safer Streets	174	466	-
Parking Improvements	250	250	30
Roads	7,500	7,500	484
Roads - externally funded projects	2,410	2,410	13
<b>Total Roads, Lighting and related assets</b>	<b>10,334</b>	<b>10,626</b>	<b>526</b>

<b>Property - Education</b>			
Aberlady Primary - extension	946	946	19
Blindwells Primary - new school	135	135	-
Cockenzie Primary - hosting Blindwells Primary	30	30	-
Craighall Primary - New School (Phase 1)	107	107	-
East Linton Primary - extension including Early Learning and 1140	10	10	-
Gullane Primary - extension including Early Learning and 1140	5,506	5,276	33
Law Primary - extension including Early Learning and 1140	2,048	2,041	-
Letham Primary - New School	4,796	4,353	75
Musselburgh Grammar - upgrades	808	812	-
North Berwick High School - Extension	6,020	6,020	2
Ormiston Primary - extension	1,097	1,097	21
Pinkie St Peter's Primary - extension including Early Learning and 1140	2,218	2,218	7

School Estate - Curriculum Upgrades	330	330	-
Ross High School - extension	9,819	9,819	10
St Gabriel's Primary - extension including Early Learning and 1140	960	960	5
Wallyford Secondary - New School	14,116	14,116	-
West Barns Primary - extension including Early Learning and 1140	1,505	1,505	8
Whitecraig Primary - extension including Early Learning and 1140	2,231	2,231	-
Windygoul Primary - Early learning and 1140 extension	2,095	2,095	-
<b>Total Property - Education</b>	<b>54,777</b>	<b>54,101</b>	<b>182</b>

<b>Property - Other</b>			
Accelerating Growth	7,768	7,768	174
Brunton Hall - Improved Community Access	278	278	-
Court Accommodation - incl. SPOC	2,008	2,008	-
Haddington Corn Exchange - upgrades	476	511	163
Haddington Town House - Refurbishment and Rewire	147	147	-
Lighting Retrofit at Longniddry Community Centre/Library	12	12	-
Lighting Retrofit at Port Seton Community Centre	26	26	-
Meadowmill - New Depot	1,148	1,290	4
Meadowmill Sports Centre Car Park Resurfacing	260	260	-
New ways of working Programme	750	750	-
Port Seton - Community Centre Extension	607	603	5
Prestongrange Museum	1,268	1,368	-
Property Renewals	2,000	2,000	12
Replacement Of Movable Pool Floors To Sports Centres	580	580	-
Replacement Pathways Centre	1,504	1,504	-
Sports Centres	200	200	-
Water meter size reduction	14	14	-
Whitecraig Community Centre	-	99	1
<b>Total Property - Other</b>	<b>19,046</b>	<b>19,419</b>	<b>360</b>

<b>Total Property Spend - Education and Other</b>	<b>73,824</b>	<b>73,520</b>	<b>542</b>
Capital Plan Fees	1,322	1,322	-

Total Gross Expenditure	96,199	98,148	1,882
Total Income	(46,894)	(48,433)	-
Borrowing Requirement	49,305	49,714	1,882

**Appendix 6**  
**East Lothian Council**  
**Budget Monitoring 2020/21 Housing Capital - Quarter 1**

<b>Capital Expenditure</b>	<b>2020/21 Budget</b>	<b>2020/21 Actual to Date</b>	<b>2020/21 Budget Variance to Date</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
Modernisation Spend	15,652	134	(15,518)
New Council Housing	16,094	505	(15,589)
Mortgage to Rent	280	0	(280)
Fees	1,514	0	(1,514)
<b>Gross Total Housing Capital Spend</b>	<b>33,540</b>	<b>639</b>	<b>(32,901)</b>



**REPORT TO:** East Lothian Council  
**MEETING DATE:** 25 August 2020  
**BY:** Chief Executive  
**SUBJECT:** Appointment of Leader of the Opposition

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**6**

## **1 PURPOSE**

- 1.1 To advise the Council of the resignation of Councillor Jane Henderson as Leader of the Opposition, to appoint a new Leader of the Opposition, and to appoint a new Convener of the Policy & Performance Review Committee.

## **2 RECOMMENDATIONS**

- 2.1 That the Council:
- approves the appointment of Councillor Lachlan Bruce as Leader of the Opposition, with immediate effect;
  - notes that, in accordance with the Scheme of Administration, Councillor Bruce will replace Councillor Henderson on the Petitions and Community Empowerment Review Committee and the Employee Appeals Sub-Committee; and
  - approves the appointment of Councillor Bruce to CoSLA Convention, replacing Councillor Henderson;
  - appoints a new Convener of the Policy & Performance Review Committee from among its existing members, replacing Councillor Bruce.

## **3 BACKGROUND**

- 3.1 Councillor Jane Henderson has intimated that she wishes to relinquish her position as Leader of the Conservative Group and Leader of the Opposition with immediate effect. The Group has appointed Councillor Lachlan Bruce to replace Councillor Henderson as their Leader and, as the largest minority group, have nominated him as Leader of the Opposition.

- 3.2 In accordance with the Scheme of Administration, Councillor Bruce will replace Councillor Henderson on the Petitions and Community Empowerment Review Committee and Employee Appeals Sub-Committee.
- 3.3 Members are also asked to approve the appointment of Councillor Bruce to the CoSLA Convention, replacing Councillor Henderson.
- 3.4 Councillor Bruce has indicated that he wishes to step down as Convener of the Policy & Performance Review Committee. The Council is therefore asked to appoint a new Convener from among the existing members of that Committee.

#### **4 POLICY IMPLICATIONS**

- 4.1 None.

#### **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – the new Leader of the Opposition will be designated Senior Councillor status, and will therefore see an increase in the annual allowance to £21,245. Councillor Henderson’s annual allowance will reduce accordingly to that of Ordinary Councillor, from £21,245 to £16,994. The Head of Council Resources has confirmed that this change can be accommodated within the existing budget.
- 6.2 Personnel – none.
- 6.3 Other – none.

#### **7 BACKGROUND PAPERS**

- 7.1 Minute of Meeting of East Lothian Council, 23 May 2017 – Item 4: Notification of Leaders of the Political Groups
- 7.2 Report to East Lothian Council, 23 May 2017 – Councillors’ Remuneration and Expenses
- 7.3 Report to East Lothian Council, 11 September 2018 – Appointment of the Leader of the Opposition
- 7.3 East Lothian Council Standing Orders



<b>AUTHOR'S NAME</b>	Lel Gillingwater
<b>DESIGNATION</b>	Team Manager - Democratic & Licensing
<b>CONTACT INFO</b>	lgillingwater@eastlothian.gov.uk x7225
<b>DATE</b>	10 August 2020



**REPORT TO:** East Lothian Council

**MEETING DATE:** 25 August 2020

**BY:** Depute Chief Executive (Resources and People Services)

**SUBJECT:** Dissolution of Musselburgh Racing Associated Committee

7

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## **1 PURPOSE**

- 1.1 To advise Council of the dissolution of Musselburgh Racing Associated Committee (MRAC) and seek approval of a mechanism to deal with any outstanding business associated with MRAC.

## **2 RECOMMENDATIONS**

Council is requested to:

- 2.1 note that the final meeting of the Musselburgh Racing Associated Committee (MRAC) took place on 22 June 2020, following which the operation of the Racecourse transferred to Chester Race Company Ltd (on 24 June 2020);
- 2.2 approve the removal from Standing Orders of the Scheme of Administration for MRAC; and
- 2.3 delegate authority to the Chief Executive to deal with any outstanding matters in relation to MRAC, in consultation with Councillor O'Donnell as the former Chair of MRAC.

## **3 BACKGROUND**

- 3.1 Members will be aware that the operation of Musselburgh Racecourse was transferred to Chester Race Company Ltd on 24 June 2020, and that the Musselburgh Racing Associated Committee ceased to operate at the point of transfer; the final meeting of the Committee took place on 22 June 2020. In accordance with Standing Order 13.2(ii), the removal of any Committee from the Scheme of Administration requires the approval of two-thirds of Members. Members are therefore asked

to approve the removal of the MRAC Scheme of Administration from Standing Orders.

- 3.3 Members are asked to delegate authority to the Chief Executive, in consultation with Councillor O'Donnell as the former MRAC Chair, to deal with any outstanding business associated with MRAC.

#### **4 POLICY IMPLICATIONS**

- 4.1 None

#### **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – None  
6.2 Personnel – None  
6.3 Other - None

#### **7 BACKGROUND PAPERS**

- 7.1 East Lothian Council's Standing Orders  
7.2 Report approved under COVID-19 Emergency Recess Arrangements – Procurement for an Operator of Musselburgh Racecourse (private report in the Members' Library, Ref: 62/20, May 2020 Bulletin)

<b>AUTHOR'S NAME</b>	Carlo Grilli / LeI Gillingwater
<b>DESIGNATION</b>	Service Manager – Legal / Team Manager – Democratic and Licensing
<b>CONTACT INFO</b>	<a href="mailto:cgrilli@eastlothian.gov.uk">cgrilli@eastlothian.gov.uk</a> / <a href="mailto:lgillingwater@eastlothian.gov.uk">lgillingwater@eastlothian.gov.uk</a>
<b>DATE</b>	13 July 2020

**REPORT TO:** East Lothian Council

**MEETING DATE:** 25 August 2020

**BY:** Depute Chief Executive (Resources and People Services)

**SUBJECT:** Submissions to the Members' Library Service  
6 February – 7 August 2020

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**8**

## **1 PURPOSE**

- 1.1 To note the reports submitted to the Members' Library Service since the last meeting of Council, as listed in Appendix 1.

## **2 RECOMMENDATIONS**

- 2.1 Council is requested to note the reports submitted to the Members' Library Service between 6 February and 7 August 2020, as listed in Appendix 1.

## **3 BACKGROUND**

- 3.1 In accordance with Standing Order 3.4, the Chief Executive will maintain a Members' Library Service that will contain:
- (a) reports advising of significant items of business which have been delegated to Councillors/officers in accordance with the Scheme of Delegation or officers in conjunction with Councillors, or
  - (b) background papers linked to specific committee reports.
- 3.2 All public reports submitted to the Members' Library are available on the Council website.

## **4 POLICY IMPLICATIONS**

- 4.1 None

## **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

## **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – None  
6.2 Personnel – None  
6.3 Other - None

## **7 BACKGROUND PAPERS**

- 7.1 East Lothian Council's Standing Orders – 3.4

<b>AUTHOR'S NAME</b>	Lel Gillingwater
<b>DESIGNATION</b>	Team Manager - Democratic & Licensing
<b>CONTACT INFO</b>	<a href="mailto:lgillingwater@eastlothian.gov.uk">lgillingwater@eastlothian.gov.uk</a>
<b>DATE</b>	10 August 2020

**MEMBERS' LIBRARY SERVICE RECORD FOR THE PERIOD  
6 February – 7 August 2020**

<b>Reference</b>	<b>Originator</b>	<b>Document Title</b>	<b>Access</b>
17/20	Head of Infrastructure	Grant of Lease for 127.8 sqms (0.03 acres) of Land at Fisherrow, Musselburgh	Private
18/20	Head of Communities and Partnerships	Analysis of Budget Consultation Exercise: December 2019	Public
19/20	Head of Infrastructure	Building Warrants Issued Under Delegated Powers Between 1 January 2020 and 31 January 2020	Public
20/20	Head of Development	Consultation – The Replacement of European Structural Funds in Scotland Post EU-Exit	Public
21/20	Head of Infrastructure	Proposed New Amenity Depot at Meadowmill, Tranent	Public
22/20	Head of Infrastructure	Proposed New Sports Pavilion At Mains Farm, North Berwick	Public
23/20	Head of Development	Syrian Resettlement Programme Update	Public
24/20	Head of Development	Housing Allocations Policy - Local Lettings Plans	Public
25/20	Head of Council Resources	Treasury Management Strategy 2020-2025	Public
26/20	Head of Development	Tenant Satisfaction Survey 2019	Public
27/20	Head of Development	Landlord Report to Tenants 2018/19	Public
28/20	Head of Infrastructure	Assignment of Ground Lease at Inveresk Mills Industrial Park, Musselburgh	Private
29/20	Head of Infrastructure	Dunbar East Beach – Sea Defence Project – Construction Works	Public
30/20	Head of Council Resources	Establishment Changes for February 2020	Private
31/20	Head of Infrastructure	Extension of Multi Material Recycling Contract	Public
32/20	Head of Infrastructure	Building Warrants issued under Delegated Powers – February 2020	Public
33/20	Depute Chief Executive (Resources and People Services)	Service Review Report – Creation of 2 Temporary IT Analysts within the Digital & Transformation Team	Private
34/20	Head of Development	Aberdeen Standard Investments (ASI) Scottish Open and ASI Ladies Scottish Open 2020	Public
35/20	Depute Chief Executive (Resources and People Services)	Service Review Report – Windygoul Primary School	Private
36/20	Head of Infrastructure	Assignment of Ground Lease at Belhaven Bay Holiday Chalet Park, Dunbar	Private
37/20	Depute Chief Executive (Resources and People Services)	Testing of Taxis and Private Hire Cars – COVID-19 Emergency Recess Report	Public

	Services)		
38/20	Head of Council Resources	Establishment Changes for March 2020	Private
39/20	Head of Council Resources	Finance Service Review – Phase 1	Private
40/20	Head of Council Resources	Staffing Report for the Creation of Companies Manager Post within Economic Development Service	Private
41/20	Head of Infrastructure	Sale of Land in Prestonpans	Private
42/20	Head of Infrastructure	Assignment of the Ground Lease for site at Belhaven, Dunbar	Private
43/20	Head of Infrastructure	Building Warrants Issued under Delegated Powers between 1 <sup>st</sup> and 31 <sup>st</sup> March 2020	Public
44/20	Head of Council Resources	Confirmation of Outcome of Application for Re-Evaluation of Job: Service Manager - Facilities Management	Private
45/20	Head of Development	Development Plan Scheme No.11	Public
46/20	Head of Council Resources	Establishment Changes for April 2020	Private
47/20	Head of Council Resources	Staffing Report for the Creation of a Customer Service Attendant Post within the Customer Services Team	Private
48/20	Head of Council Resources	Service Review – Creation of Services Manager (Statutory Services) (Health and Social Care Partnership)	Private
49/20	Head of Infrastructure	Building Warrants Issued under Delegated Powers between 1 <sup>st</sup> – 30 <sup>th</sup> April 2020	Public
50/20	Head of Development	Response to National Planning Framework 4 Consultation	Public
51/20	Head of Council Resources	Staffing Report for the Creation of a Job Evaluator Post within the Service Review Team	Private
52/20	Head of Communities and Partnerships	Funding for Communities 2020/21	Public
53/20	Chief Operating Officer – Education	Update on 1140 Hours Early Learning and Childcare – COVID-19 Emergency Recess Report	Public
54/20	Chief Executive	Corporate Risk Register 2020 – COVID-19 Emergency Recess Report	Public
55/20	Chief Executive	Cockenzie Power Station Site: High-level Optioneering Study into the Creation of a Cruise/Port-Related Facility – COVID-19 Emergency Recess Report	Public
56/20	Head of Development	East Lothian Local Development Plan 2018 – Final Design Standards for New Housing Areas Supplementary Planning Guidance – COVID-19 Emergency Recess Report	Public
57/20	Chief Executive	Draft Climate Evolution Vision and Action Plan for Consultation – COVID-19 Emergency Recess Report	Public
58/20	Chief Executive	Draft Climate Evolution Vision and Action Plan for Consultation: Draft Environmental Report under the Environmental Assessment (Scotland) Act 2005 – COVID-19 Emergency Recess Report	Public
59/20	Chief Executive	Draft Climate Evolution Vision and Action Plan for Consultation: Draft	Public



		Habitats Regulation Appraisal in Line with the Conservation (Natural Habitats, etc.) Regulations 1994 – COVID-19 Emergency Recess Report	
60/20	Depute Chief Executive (Resources and People Services)	Common Good Funds – Budget Development 2020-2023 – COVID-19 Emergency Recess Report	Public
61/20	Depute Chief Executive (Resources and People Services)	COVID-19 Financial Management Update – COVID-19 Emergency Recess Report	Public
62/20	Chief Executive	Procurement for an Operator of Musselburgh Racecourse – COVID-19 Emergency Recess Report	Private
63/20	Head of Council Resources	Re-alignment of Revenues & Welfare Support and Benefits & Financial Assessments	Private
64/20	Chief Operating Officer – Children’s Services	Children and Young People Services Plan – Annual Performance Report 2018/19	Public
65/20	Head of Council Resources	COVID 19 – East Lothian Recovery & Renewal	Public
66/20	Head of Development	Affordable Energy Tariff	Public
67/20	Head of Infrastructure	Service Review Report – Road Services (Technical Clerk)	Private
68/20	Head of Development	Service Review Report – Property Maintenance (Phase 4)	Private
69/20	Head of Infrastructure	Building Warrants Issued Under Delegated Powers – May 2020	Public
70/20	Head of Council Resources	Establishment Changes – May 2020	Private
71/20	Chief Executive	ESESCR Deal: Transport Transition Group Project Plan	Public
72/20	Police Scotland (per Head of Communities and Partnerships)	Local Policing Plan 2020-23 – COVID-19 Emergency Recess Report	Public
73/20	Head of Council Resources	End-of-Year Financial Review 2019/20 – COVID-19 Emergency Recess Report	Public
74/20	Head of Council Resources	Changes to Standing Orders – Remote Participation in Council and Committee Meetings – COVID-19 Emergency Recess Report	Public
75/20	Head of Council Resources	Draft 2019/20 Financial Accounts – COVID-19 Emergency Recess Report	Public
76/20	Director of Health and Social Care	Staffing Report – Programme Manager, Adult Community Services	Private
77/20	Head of Development	ClimatEvolution Vision and Action Programme – Extension of Consultation Timescales	Public
78/20	Head of Council Resources	COVID-19 Financial Update	Public
79/20	Head of Council Resources	Procurement of Digital Meetings System	Public
80/20	Head of Council Resources	Staffing Report – East Lothian Wellbeing Academy: Creation of 6 Mental Health Youth Worker posts	Private
81/20	Head of Council Resources	IT Service Review – Phase 2	Private

82/20	Head of Infrastructure	Building Warrants Issued Under Delegated Powers – June 2020	Public
83/20	Head of Council Resources	Confirmation of Outcome of Application for Re-Evaluation of Job – Pupil Support Worker 16+	Private
84/20	Head of Infrastructure	'Spaces for People' Programme Update	Public
85/20	Head of Infrastructure	ELC-20-2217 Ground Investigation Services for the Musselburgh Flood Protection Scheme	Public
86/20	Head of Council Resources	Establishment Changes – July 2020	Private
87/20	Head of Council Resources	Applications for Common Good Funding	Private
88/20	Head of Council Resources	East Lothian Council COVID 19 Recovery and Renewal Framework Document, Version 1.1	Public
89/20	Depute Chief Executive	The East Lothian Council (Ladies Scottish Open, The Renaissance Club) (Exemption) Order 2020	Public
90/20	Head of Communities and Partnerships	Annual Report for 2019-20 on Community Asset Transfer Requests under the Community Empowerment (Scotland) Act 2015	Public

10 August 2020