



MINUTES OF THE MEETING OF EAST LoTHIAN COUNCIL

TUESDAY 25 AUGUST 2020
VIA DIGITAL MEETING FACILITY

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 G Mackett
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 Health and Social Care
Mr A McCrorie, Depute Chief Executive (Resources and People Services)
Mr I Gorman, Head of Operations (Health and Social Care)
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 S Fortune, Chief Operating Officer – Finance
Mr S Cooper, Team Manager – Communications
Ms R Crichton, Committees Officer
Ms F Currie, Committees Officer
Mr C Grilli, Service Manager – Legal and Procurement
Ms K MacNeill, Service Manager – People & Governance
Mr R Parker, Service Manager – Education (Strategy and Operations)
Mr P Vestri, Service Manager – Corporate Policy and Improvement

Visitors Present:

None

Clerk:

Mrs L Gillingwater

Apologies:

None

Declarations of Interest:

None

Prior to the commencement of business, the Convener welcomed Members to the first Council meeting following the COVID-19 Emergency Recess. He advised that the meeting was being held remotely, in accordance with the Scottish Government's guidance on physical distancing; that the meeting would be recorded; and that it would be made available via the Council's website as a webcast, in order to allow public access to the democratic process in East Lothian. He noted that the Council was the data controller under the Data Protection Act 2018; that data collected as part of the recording would be retained in accordance with the Council's policy on record retention; and that the webcast of the meeting would be publicly available for up to six months from the date of the meeting.

The clerk recorded attendance by roll call.

1. MINUTES FOR APPROVAL

The minutes of the following meetings were approved:

- a) East Lothian Council, 25 February 2020
- b) Special East Lothian Council, 3 March 2020
- c) Special East Lothian Council, 17 March 2020

2. MINUTES FOR NOTING

The minutes of the following meetings were noted:

- a) East Lothian Local Review Body (Planning), 20 February 2020
- b) East Lothian Local Review Body (Planning), 19 March 2020
- c) East Lothian Local Review Body (Planning), 21 May 2020
- d) East Lothian Local Review Body (Planning), 16 July 2020 we

3. COVID-19 EMERGENCY RECESS BUSINESS AND ARRANGEMENTS FOR THE 2020/21 COMMITTEE SESSION

A report was submitted by the Depute Chief Executive (Resources and People Services) informing 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. The report also informed the Council of the arrangements for meetings taking place during the 2020/21 committee session.

The Head of Council Resources, Jim Lamond, presented the report, drawing attention to the summary of business undertaken during the Emergency Recess. He noted that there was an error in relation to the item listed at Section 3.3, confirming that this report had been approved by Councillors Akhtar, Currie, Hampshire and Henderson. He noted that all reports were available in the Members' Library. In relation to the arrangements for the 2020/21 committee session, he advised that all public meetings would take place via the Connect Remote digital meeting facility, and that they would be made available as a webcast via the Council's website. He further advised that there may be some amendments to the committee schedule during the course of the year, and that Members would be kept informed of any such changes.

Councillor Currie thanked the Committees Team for their work to ensure that necessary committee business continued during the recess and in accordance with the procedures agreed by the Council.

Councillor Hampshire echoed Councillor Currie's comments, and also thanked the other Group Leaders for their cooperation in the decision-making process. He paid tribute to Council staff for their efforts in continuing to deliver services and protect the public, and he commented on the remote working arrangements, which would allow the delivery of services to continue.

Decision

The Council agreed:

- i. to note the business undertaken during the COVID-19 Emergency Recess, as set out in Sections 3.2 to 3.16;
- ii. to note that, although business continuity arrangements are still in place, the Chief Executive had determined to bring the COVID-19 Emergency Recess to an end as of 17 August 2020 and to re-start Council and committee meetings (as outlined in Section 3.17 of the report);
- iii. to note the proposed arrangements for meetings during the 2020/21 session; and
- iv. to note that the approved committee schedule for 2020/21 is subject to change.

4. COVID-19 – MANAGEMENT OF COUNCIL RESPONSE AND RECOVERY

A report was submitted by the Chief Executive providing 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 the Council's response and also its preparedness for recovery and renewal.

The Chief Executive introduced the report, drawing attention to the challenging situation which faced the Council due to the COVID-19 outbreak. She advised that although the Council remained in response mode, recovery planning was underway. She paid tribute to the Council's staff, partners and communities for their response to the crisis, in particular the introduction of agile working, Council staff taking on new responsibilities and the contribution of volunteers in providing services to the community.

Sharon Saunders, Head of Partnerships and Communities, highlighted measures taken in response to the COVID-19 outbreak, including: the establishment of a COVID-19 Oversight Group to take forward national and local priorities; assistance for shielding people directly affected by the lockdown; the deployment of 20 local community resilience groups and 6 Connected Community Resilience Bases; and enhanced communications via the Council's website, the local press and local radio stations. She further advised that more than 2,000 Council staff were asked to work from home, some of whom were deployed to assist with other services; children's hubs were set up to care for children with additional support needs and those of key workers; 1,500 business support grants were awarded, with a value of more than £17m; direct contact had been made with 3,400 people who were shielding; and staff and volunteers assisted with the delivery of food and medicines. Ms Saunders made reference to the financial impact of COVID-19 on the Council (which would be covered in detail in Item 5 of the agenda), and warned that as 'lockdown' further relaxes, there may be

local outbreaks of the virus in East Lothian. She stressed the importance of everyone remaining vigilant and following the advice from the NHS.

Jim Lamond, Head of Council Resources, advised that he had been assigned the task of making arrangements for the recovery process. He explained that a Recovery and Renewal Co-ordination Group had been established, focused on five key areas of activity, with appropriate support structures, and involving various key stakeholders. He drew Members' attention to Sections 3.32 to 3.36 of the report, which outlined progress made to date, and pointed out that recovery and renewal would inform the reshaping of Council priorities and services for the future. He made reference to the Recovery and Renewal Framework, which was available in the Members' Library.

Ms Saunders concluded the report presentation by highlighting the Finance and HR implications associated with the response to COVID-19 and the recovery process, as well as the strength of the collaboration between the Council, external agencies and volunteer groups.

The Provost thanked the Chief Executive, Ms Saunders and Mr Lamond for their detailed presentation, commenting that the work undertaken reflected the values of the Council, and that many people had risen to the challenges caused by the virus.

Councillor O'Donnell asked about the plans for identifying those individuals requiring services and also the reopening of building-based community services. Ms Saunders advised that, in consultation with health and social care services and third-sector partners, there had been a review of the work done during the lockdown period to assess whether any individuals should be referred to statutory services for support. Other people had been referred to existing community networks. She also advised that a Communities Recovery and Renewals Co-ordination Group had been established, which would work with volunteer groups, Area Partnerships, Community Councils and others to ensure that people were aware of available services and how to access them.

In response to questions from Councillor McLennan in relation to supporting community groups to continue, and also the availability of metrics, as set out in Section 3.20 of the report, Ms Saunders indicated that the Connected Communities Service, Area Partnerships and Community Councils would work with these groups to revisit locality plans and priorities to meet the needs of people and, through Volunteer Centre East Lothian, to enable volunteers to continue providing support within communities. On the matter of metrics, Ms Saunders advised that these were critical, and that data would be collected and brought forward towards the end of the year as part of the 'East Lothian by Numbers' ward profiles; locality plans would then be developed taking account of that data, and the data would also inform the Council Plan and the East Lothian Partnership Plan.

Councillor Bruce asked how the Council would learn from how the COVID-19 situation had been handled. Ms Saunders explained that the Council had invoked its Business Continuity Plans and that as part of this, 'lessons learned' data had been gathered on a weekly basis, which had informed the work of the Communities Recovery and Renewals Co-ordination Group. An interim critical debrief, led by Sandy Baptie, was recently undertaken by CMT. In addition, an exercise had taken place in June, whereby the 20 community resilience groups had been contacted for their experiences in meeting the challenges, which had then been presented to the first meeting of the Communities Recovery and Renewals Co-ordination Group. The information provided by those groups would inform the ongoing response and recovery work.

Councillor Hoy asked a number of questions in relation to business support grant applications. Mr Lamond informed him that all applications received had been processed by

the end of July, and that more than 1,500 of the c.1,900-2,000 eligible businesses had submitted applications. He confirmed that there were no appeals outstanding, and that the majority of applicants had met the criteria for support and therefore received an award.

Councillor McLennan asked about available advice services as regards personal and business debt, and also mental health. He also asked if scenario planning had been carried out for the possibility of a no-deal Brexit. Ms Saunders advised that the Council was working with the East Lothian Advice Consortium (which oversees the Citizens Advice Bureaux (CABs) in Musselburgh and Haddington). Services had been provided digitally during lockdown, although there was now a return to face-to-face appointments where required. Paolo Vestri, Service Manager for Corporate Policy and Improvement, reported that there had been positive feedback on services provided by the CABs and the Council's Welfare Rights Service. He also noted that there had been an increase in Universal Credit claimants and an increase in debt levels. On business debt, Douglas Proudfoot, Head of Development, advised that the Connected Economies Group had provided advice and support to businesses and that the Council was working with multi-agency partners, including the Chamber of Commerce and the Federation of Small Businesses. He recognised that businesses were experiencing difficulties, and advised that advice was being provided on survival and debt management. He also noted that the end of the furlough scheme would further impact businesses. As regards the impact on Council finances, officers were looking at funding streams for the Council, e.g. Council Tax, rent income, business rates, etc. He reassured Members that the Council was taking a flexible approach and offering alternative payment arrangements and deferment. On the question of mental health services, Iain Gorman, Head of Operations (Health and Social Care), advised that services had been mobilised at an early stage using community occupational therapists and psychiatric nurses, and that people could access services directly as well as by way of GP referral, with same-day appointments being made available. He added that the Health and Social Care Partnership was currently looking at how to sustain these services. As regards Brexit, Ms Saunders noted that the Brexit Working Group had now reconvened and was reviewing the scenario planning, with a focus on the implications for Council services and communities; this group would report to CMT in due course. Mr Proudfoot mentioned that there was a sub-group looking at rural poverty and employability.

Councillor Innes commented that the report showed the scale of the challenge and the response. He conveyed his sympathy to those who had lost family members and friends due to COVID-19. He was proud of how the Council and East Lothian community groups had responded to the crisis, and expressed his thanks to all those involved in assisting and supporting vulnerable people in the community. He also thanked Council staff for ensuring the safety and wellbeing of communities, and for addressing concerns raised by the public.

Councillor Bruce praised communities for coming together to respond to the crisis, and thanked Community Councils, community resilience groups, churches and local charities for their work during the lockdown period. He also commended Council staff who had been deployed to other services.

Councillor Currie observed that it was likely that response and recovery work would continue for some time. He echoed comments made by Councillors Innes and Bruce as regards the efforts of community groups and Council staff in supporting vulnerable people, and highlighted the importance of financial support for local businesses. He also warned of the consequences of the crisis, including the impact of the furlough scheme ending and an increase in Universal Benefit claimants. Councillor Currie also referred to new ways of working, noting that in East Lothian the implementation of new technology had allowed the Council to meet remotely and GPs to meet patients remotely by way of the 'Near Me' system. He concluded his statement by suggesting that the Council should take time to

remember those who had succumbed to the virus. The Provost agreed to allow a period of reflection at the end of the meeting.

Speaking in support of the comments made by the other Members, Councillor Hampshire also praised the response to the crisis by the Council, its partners and community groups. He pointed out the need to ensure that staff were being supported whilst working under pressure. He praised the partnership working with Area Partnerships, Community Councils and resilience groups, in particular the work undertaken by Sandy Baptie to set up groups to support communities. He stressed that the delivery of services in the current circumstances would be challenging, and hoped that the public would appreciate that staff were working under difficult circumstances. He stated that the Council would do everything it could to keep people safe.

In her capacity as Cabinet Spokesperson for Health & Social Care, Councillor O'Donnell thanked colleagues in the Health & Social Care Partnership (HSP), and its partners in the third and voluntary sectors for their support to vulnerable people. She noted that reducing delayed discharges had put the HSP in a good position to support staff and partners, and to introduce innovative ways to provide access to services. She also noted the positive feedback received from care users and partners. She thanked community groups in her ward, highlighting a number of the initiatives delivered, as well as Council staff.

Councillor Forrest thanked all those across East Lothian, and in particular the Area Partnership, Community Council and businesses within his ward, who had worked together to ensure vulnerable people were able to receive food and medical supplies, and the thought that they had put into that.

Councillor Akhtar spoke of the efforts made by school staff during the lockdown, highlighting that teachers had to prepare for home-schooling with no notice, including providing electronic devices for pupils and producing homework packs. She thanked parents for their support during this period. She also thanked local groups who had made personal protective equipment (PPE), and the local press for providing information on resilience group activity. Councillor Akhtar spoke of the value of the six children's hubs which had been set up to support vulnerable children and those of key workers, and of the work undertaken to prepare schools for reopening – she thanked all those involved in ensuring the safe reopening of schools.

Speaking in support of previous comments, Councillor Dugdale thanked those who had worked to protect and support people within her ward. She commented that the debt of gratitude to staff, partners and volunteers across East Lothian was immense, noting that they had met the challenges presented by the crisis by delivering what was required within their communities. Her comments were echoed by Councillor Trotter, who paid particular tribute to local groups within his ward.

Councillor McGinn observed that the crisis had resulted in remarkable community spirit and resilience across East Lothian. He warned, however, that whilst the crisis continued, people would struggle and that the economic impact would be felt in every area. He urged the Council not to lose sight of this impact. He commended the efforts of frontline Council staff who had provided crucial services. He also believed that there had been a resurgence in community values and paid tribute to all those who had contributed to the crisis response.

Councillor Hoy made special mention of the contribution of small businesses to the response effort, which had ensured that services and goods continued to be provided.

Councillor Goodfellow praised the resilience work undertaken by Sandy Baptie, and also remarked that the efforts and contributions made by volunteers could not have been

predicted, noting that his ward had been overwhelmed with offers of assistance and support. He thanked the Area Partnerships and Connected Community Managers for their work.

Councillor Henderson thanked the Chief Executive and her management team for their response to the crisis. She was reassured that the resilience plans were being looked at closely, but was concerned about the reliance on third parties. She also welcomed the return of Council meetings via the remote meeting facility. She made reference to the significant responsibilities of Members during the crisis, and thanked colleagues and officers for their support.

The Provost concluded the debate by noting that he had been heavily involved in economic development and tourism matters during the crisis. He welcomed the support of Councillors McLennan and Findlay for their contribution to economic development sub-groups, as well as staff within the Economic Development service. He also paid tribute to the Council's partners and voluntary groups, noting that the recovery would be dependent on community volunteers and Council staff.

Decision

The Council agreed:

- i. to note contents of the report and acknowledge the unprecedented effect the COVID-19 outbreak has had on both the East Lothian community and delivery of Council services;
- ii. to 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. to 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, such as physical distancing, etc.;
- iv. to note the development of COVID-19 recovery planning workstreams and their programmes of work, whilst observing ongoing COVID-19 response activity; and
- v. to note that a further updated COVID-19 Response and Recover report would be presented to the next meeting of the Council.

5. 2020/21 QUARTER 1 FINANCIAL REVIEW

A report was submitted by the Head of Council Resources informing the Council of the financial position at the end of June 2020.

The Chief Operating Officer – Finance, Sarah Fortune, presented the report. Providing a summary of the General Services revenue budget, she advised that there was an overspend of £2.4m as at the end of June, with Children's Services, Development and Infrastructure being overspent. She drew attention to expenditure associated with COVID-19 response, and to the levels of funding provided by the Scottish Government (set out in detail at Appendix 4). She warned that although additional funding was expected, it was unlikely to cover the shortfall caused by COVID-19, and that the Council was now facing a net overspend of c.£7.5m. Ms Fortune drew attention to a range of mitigation measures (outlined in Section 3.23 of the report), but stressed that the financial situation facing the Council was very significant – a further report on this would be presented to Council in

October. She then highlighted the current position as regards capital expenditure and provided an update on the Housing Revenue Account (HRA)

Councillor Akhtar asked if the additional costs associated with the reopening of schools would be fully funded by the Scottish Government. Ms Fortune anticipated that the costs of providing extra cleaning, etc. in schools would amount to c.£1-1.2m, and that the additional cost of school transport would be c.£1.2m; however, she expected that the Council would receive a maximum of £950,000 from the Scottish Government to cover these costs, although the allocation was yet to be confirmed. She pointed out that the Council had committed to these costs in order to reopen the schools, and that she had written to the Deputy First Minister advising of the financial implications for the Council – no response had been received to date. She added that work was ongoing through CoSLA and other professional networks in this regard.

As regards health and social care, Councillor O'Donnell asked if COVID-19 expenditure would be fully funded and if there was any indication of resource transfer or a share of resources to deliver the health and social care remobilisation plan. Ms Fortune informed her that, to date, not all anticipated costs associated with the remobilisation plans had been fully funded. Iain Gorman, Head of Operations (Health and Social Care) added that full cost recovery of COVID-19 expenditure would be challenging given the fluidity of the situation. He noted that, in partnership with NHS Lothian, expenditure was being tracked and submitted to the Scottish Government, but there was no formal position on full cost recovery. As regards the anticipated winter pressures and unscheduled care, he noted that there was a commitment by NHS Lothian to work in partnership with the Health and Social Care Partnership to support these aspects.

With reference to Section 3.14 of the report, Councillor Bruce asked if the Council's share of the further £49m of funding for education would be ring-fenced. Ms Fortune advised that there were no further details on this at present, and discussions were ongoing at CoSLA on this matter. On the financial challenges facing the Council, she stated that the position remained fluid, and that the situation could worsen should there be further periods of lockdown. She pointed out that additional funding would be sought from both the UK and Scottish Governments to cover COVID-19-related expenditure, but warned that if no additional funding was allocated to the Council, then the Council would be required to take further action.

Councillor Currie asked how much interest had been paid through Public Works Loan Board (PWLB) borrowing for this year. Ms Fortune advised that she could provide specific information on this to Members, but estimated that these charges amounted to c.£8-9m annually. Mr Lamond reminded Members that most of the Council's debt related to fixed-rate deals, and that this may be slightly advantageous to the Council given the current low interest rate levels.

Councillor Currie asked a series of questions relating to the Council's budget and questioned whether the budget needed to be revised before February 2021. Ms Fortune reiterated that the financial situation remained fluid and was subject to further changes. She hoped that additional COVID-19-related funding would be allocated to the Council; however, if this was not forthcoming, then the Council would need to consider further interventions at its meeting in October, as it could not continue to operate in deficit. She added that there would likely be a UK budget in the autumn, which may impact on the Scottish Government and on local government. Mr Lamond maintained that the Council should seek to have COVID-19-related costs fully funded, but if they were not then this would have a significant impact on the Council. He stated that the Council would need to establish a position, and suggested that the October Council meeting would be the best time to do that. Ms Fortune pointed out that the Council had to follow national guidance, which remained subject to change, and that this

also presented financial pressures. On the health and social care local mobilisation plans, Ms Fortune advised that these also remained fluid, and that the funding released to date did not meet the anticipated cost of those plans; this situation would be monitored through the Integration Joint Board. Alison MacDonald, Director of the East Lothian Health and Social Care Partnership, explained that the plans had been revised, that weekly financial submissions were made to the Scottish Government, and that East Lothian had received its share of more than £75m which had been released to date. She reported that there had been no suggestion that the funding would not be forthcoming.

In response to a question from Councillor McLeod as regards new and additional purchasing commitments, Ms Fortune explained that managers had delegated authority as regards their service budgets, but had been asked to review expenditure commitments, noting that strict financial controls would be applied.

Councillor McLennan asked for further detail on the timeline as regards the report coming to Council in October, seeking assurance that all Members would be kept informed of developments. Ms Fortune advised that there was no definitive timeline, but undertook to keep Members up to date during what remained a dynamic situation. Mr Lamond added that should a Special Council meeting be required to deal with this issue, then that would be arranged.

Councillor Gilbert asked how far into the future would the Council require to direct funding to the COVID-19 situation. Ms Fortune advised that many aspects of COVID-19 would have long-lasting impacts, and that the Council would see significant challenges going forward. Councillor Gilbert also asked if the Council had an upper financial limit for expenditure that it could not exceed. Ms Fortune reiterated that there was a statutory requirement for the Council to operate within a balanced budget, and that this was supported by the Council's Financial Strategy. She could not provide certainty as to an upper limit, due to the number of variables impacting on the Council's expenditure and its obligations, but she did warn that unless additional funding assurances were given, it would be difficult to continue spending in excess of budget levels. Mr Lamond added that the Council's ability to spend was not limitless. However, in reacting to the COVID-19 situation, the Council had to make a significant commitment in the context of incurring additional debt as well as potential additional government funding.

Councillor Hampshire commented that the Council had been given a commitment at the beginning of the lockdown period that COVID-19 expenditure would be fully funded. He noted that the UK Government had made a significant financial contribution to the Scottish Government, and asked if the Scottish Government still had funding that had not been allocated. Ms Fortune drew attention to Appendix 4 to the report and highlighted some of the key areas of funding. She added that CoSLA was seeking clarity on the allocation of the remaining funding streams. On the Council's own income streams, Ms Fortune anticipated that the Council would lose c.£8.5 of income during this financial year.

Councillor Bruce opened the debate, highlighting the need to get assurances from the government that core services would be protected. He remarked that COVID-19 had 'pushed the Council to the edge' financially, and welcomed the ongoing work with CoSLA to secure additional funding.

Councillor Innes spoke of the vital role that local government had played during the pandemic in supporting and protecting people, but stressed that this had to be properly resourced. He advised that information from CoSLA had indicated that the Scottish Government still had £1bn of funding to be allocated to councils and warned that if additional funding was not forthcoming, then services could be decimated. He proposed an amendment to the recommendations asking the Council to support a proposal to write to the

First Minister asking the Scottish Government to commit to fully funding COVID-19-related expenditure undertaken by local government.

Councillor Akhtar reminded Members that the Council's COVID-19 delivery plan on the reopening of schools had been approved on the basis that it would be fully funded. She advised that she had written to the Deputy First Minister on 21 June and again on 7 August about the funding, but had not received a formal response. She further advised that at a CoSLA meeting, the Deputy First Minister had been asked to treat this as a matter of urgency, but that no such assurances were given. She supported Councillor Innes' proposed amendment.

Councillor Currie noted the concerns raised by Councillors Innes and Akhtar, but stressed that the key issues were being raised by CoSLA. In respect of PWLB interest payments, he considered it reasonable to ask the UK Treasury to give Scottish local government a one-year payment holiday for the current financial year, which would amount to £4-5m for the Council. He accepted that this money would need to be paid back at a later date. He noted that CoSLA, with cross-party support, had made a request for fiscal flexibility. He also suggested that it may be necessary to bring forward a revised budget to the Council for consideration, even if further funding was expected.

Councillor Hampshire maintained that the Scottish Government should transfer funding to local government in order that council services could be delivered within budget for the remainder of the financial year.

Councillor Hoy described the situation as a 'perfect storm', and that waiting for months for additional funding was not an option for the Council. He highlighted the difficulties facing councils as regards delivering services, and questioned why the Scottish Government had not provided additional funding. He declared that he would support any measures to get assurances from the Scottish Government on when additional funding would be allocated.

In response to comments made by Councillor Currie, Councillor Innes assured Members that he was not seeking to blame anyone for the current situation; rather, he had been talking about working in partnership with the Scottish Government to deliver the aims and objectives in relation to the pandemic. He made reference to documentation outlining the funding that the Scottish Government had received to tackle the crisis, noting that most of the £1.9bn received in July had still not been allocated to local government and other bodies. He believed that this had created uncertainty and he was seeking clarity on the issue from the Scottish Government. He reiterated his point that the COVID-19 situation had demonstrated how valuable local government was, and that the Scottish Government should recognise this and support councils in their efforts to protect people.

Councillor Goodfellow spoke in support of comments made as regards seeking assurances from the Scottish Government in relation to the allocation of additional funding to cover COVID-19 expenditure.

With reference to the amendment proposed by Councillor Innes, Councillor Currie suggested that the Council should also write to the UK Government as regards the interest payments to the PWLB, which reflected CoSLA's position. Councillor Innes indicated that he would be happy to include Councillor Currie's proposal within his amendment. The proposed amendment (as amended) was seconded by Councillor Hampshire.

The Provost then moved to the vote on the proposal to add an additional recommendation, as proposed by Councillor Innes and seconded by Councillor Hampshire: [That the Council is recommended] to support a proposal to write to the First Minister asking the Scottish Government to commit to fully fund COVID-19-related expenditure undertaken by local

government, and to write to the UK Government as regards the Public Works Loans Board [interest payments] and the ability to have more fiscal flexibility in Scotland, in line with CoSLA's position. The vote was taken by roll call:

For: 15 (Councillors Akhtar, Currie, Dugdale, Forrest, Gilbert, Goodfellow, Innes, Hampshire, McGinn, McLennan, McLeod, McMillan, O'Donnell, Trotter, Williamson)
Against: 7 (Councillors Bruce, Findlay, Henderson, Hoy, Kempson, Mackett, Mackie)
Abstentions: 0

The amendment was carried.

The Provost then moved to the vote on the recommendations, as amended (taken by roll call):

For: 15 (Councillors Akhtar, Currie, Dugdale, Forrest, Gilbert, Goodfellow, Innes, Hampshire, McGinn, McLennan, McLeod, McMillan, O'Donnell, Trotter, Williamson)
Against: 7 (Councillors Bruce, Findlay, Henderson, Hoy, Kempson, Mackett, Mackie)
Abstentions: 0

Decision

The Council agreed:

- i. to note the financial performance at the end of the first quarter of 2020/21 against approved budgets, including the estimated financial projections for expected performance at the year-end;
- ii. to 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;
- iii. to note that officers would continue to monitor closely all national funding streams and would engage further in support of relevant national discussions with a view to securing full COVID-19-related funding; and
- iv. to note that more details setting out further required interventions, including any necessary changes to the financial strategy would be reported to Council in October; and
- v. to support a proposal to write to the First Minister asking the Scottish Government to commit to fully fund COVID-19-related expenditure undertaken by local government, and to write to the UK Government as regards the Public Works Loans Board [interest payments] and the ability to have more fiscal flexibility in Scotland, in line with CoSLA's position.

6. APPOINTMENT OF LEADER OF THE OPPOSITION

A report was submitted by the Chief Executive advising the Council of the resignation of Councillor Jane Henderson as Leader of the Opposition, seeking approval of the appointment of a new Leader of the Opposition, and seeking to appoint a new Convener of the Policy & Performance Review Committee (PPRC).

The Head of Council Resources, Jim Lamond, presented the report, advising that Councillor Henderson had recently stood down as Leader of the Conservative Group and Leader of the Opposition. As Councillor Lachlan Bruce had recently been appointed as Leader of the Conservative, Mr Lamond sought approval for Councillor Bruce to be appointed as Leader of the Opposition. He also sought approval for Councillor Bruce to be appointed to the CoSLA Convention, and noted that he would replace Councillor Henderson on a number of Council committees. Mr Lamond advised that Councillor Bruce would be resigning as Convener of the Policy & Performance Review Committee, and that a new Convener would need to be appointed.

Councillor Bruce thanked Councillor Henderson for her leadership of the Conservative Group during a difficult period, and looked forward to his new role.

Tributes were paid to Councillor Henderson by Councillor Currie, the Provost, Councillor Mackett and Councillor Hampshire, who thanked her for her support. They wished Councillor Bruce well in his new position.

The Provost then invited nominations for the position of Convener of the PPRC. Two nominations were received:

Councillor McLennan – proposed by Councillor Currie and seconded by Councillor Trotter
Councillor Findlay – proposed by Councillor Bruce and seconded by Councillor Mackie

The Provost moved to the vote on the convenership of the PPRC (taken by roll call). Councillor Innes declared that the Administration would abstain from the vote on the basis that the convenership of the scrutiny committees should be determined by Opposition Members.

With Councillor Findlay receiving 7 votes (Cllrs Bruce, Findlay, Henderson, Hoy, Kempson, Mackett and Mackie), and Councillor McLennan receiving 6 votes (Cllrs Currie, Gilbert, McLennan, McLeod, Trotter and Williamson), Councillor Findlay was duly elected as Convener of the PPRC.

The Provost then moved to the vote on the remaining recommendations (taken by roll call).

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

Against: 0

Abstain: 6 (Cllrs Currie, Gilbert, McLennan, McLeod, Trotter and Williamson)

Decision

The Council agreed:

- i. to approve the appointment of Councillor Lachlan Bruce as Leader of the Opposition, with immediate effect;

- ii. to note that, in accordance with the Scheme of Administration, Councillor Bruce would replace Councillor Henderson on the Petitions and Community Empowerment Review Committee and the Employee Appeals Sub-Committee;
- iii. to approve the appointment of Councillor Bruce to CoSLA Convention, replacing Councillor Henderson; and
- iv. to approve the appointment of Councillor Jeremy Findlay as Convener of the Policy & Performance Review Committee, replacing Councillor Bruce.

7. DISSOLUTION OF MUSSELBURGH RACING ASSOCIATED COMMITTEE

A report was submitted by the Depute Chief Executive (Resources and People Services) advising the Council of the dissolution of the Musselburgh Racing Associated Committee (MRAC), and seeking approval of a mechanism to deal with any outstanding business associated with the MRAC.

The Service Manager – Legal, Carlo Grilli, presented the report, advising that Chester Race Company Ltd had taken over operation of Musselburgh Racecourse on 24 June 2020, thereby bringing to an end the Minute of Agreement between the Council and the Lothian Racing Syndicate (LRS). As there would no longer be any involvement in the operation of the Racecourse by the Council, he advised of the need to remove the Scheme of Administration for MRAC from the Standing Orders. He proposed that any outstanding business associated with the Racecourse, which was mainly in connection with closing the 2019/20 accounts, should be delegated to the Chief Executive, in consultation with Councillor O'Donnell as the former Chair of MRAC.

Councillor O'Donnell noted that the decision to transfer the operation of the Racecourse to a third party operator had been supported by the Council, the LRS and the Racecourse staff. She thanked those Members who had sat on the Musselburgh Joint Racing Committee (MJRC) and MRAC, the staff who had supported those committees, and members of the LRS, particularly Mr Ray Anderson Green and Mr Robert Miller-Bakewell, for their input to the work of those committees. She also paid tribute to Alex McCrorie and Mr Grilli for their support and guidance, and she conveyed her best wishes for the future to the Racecourse staff and the new operator.

Councillor Currie spoke in support of Councillor O'Donnell's comments, before thanking Councillor O'Donnell for her effective and professional chairing the Committee during a difficult period. He believed that the cross-party membership of the Committee had been beneficial to Musselburgh, East Lothian and the racing industry.

The clerk pointed out that, in accordance with Standing Order 13.2(ii), the support of two-thirds of Members was required to remove the MRAC Scheme of Administration from Standing Orders.

The Provost then moved to the vote on the recommendations (taken by roll call). The recommendations were agreed unanimously.

Decision

The Council agreed:

- i. to note that the final meeting of the Musselburgh Racing Associated Committee had taken place on 22 June 2020, following which the operation of the Racecourse transferred to Chester Race Company Ltd (on 24 June 2020);
- ii. to approve the removal from Standing Orders of the Scheme of Administration for MRAC; and
- iii. to 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.

8. SUBMISSIONS TO THE MEMBERS' LIBRARY SERVICE, 6 FEBRUARY – 7 AUGUST 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 6 February and 7 August 2020, as listed in Appendix 1 to the report.

The Provost closed the meeting by thanking participants for their attendance at the first remote meeting of the Council, and advising that there would be a short period of reflection for those people directly affected by COVID-19.

Signed

Provost John McMillan
Convener of the Council